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Presidential Documents

Title 3—

The President

Proclamation 10103 of October 16, 2020

National Character Counts Week, 2020

By the President of the United States of America

A Proclamation

The foundation of any free and virtuous society is the moral character of its people. Personal responsibility, integrity, and the other values which define our unique American spirit underpin our system of self-government and inspire us to continue working toward a more perfect Union. As we observe National Character Counts Week, we think of the special individuals in our lives who exemplify the character qualities to which we all aspire. In looking to these examples of honor and virtue, we recognize that character is a learned attribute acquired through consistent, purposeful action, not an inherent trait. We must resolve to build lives and communities grounded in moral clarity in order to strengthen ourselves, our families, our communities, and our Nation.

From small acts of kindness to supreme selfless sacrifice, everyday heroes and larger-than-life American historical figures have deepened the roots of freedom of our Nation. Individuals of integrity and principle lift us all to greater heights, evincing the same core virtues in both the depths of adversity and the heights of success. We see this exemplified every day by the brave men and women of our Armed Forces who risk their lives to defend the cherished blessings of liberty we hold dear. We also see it every day in our communities from law enforcement professionals and first responders who devote their lives to the safety and well-being of others and face down danger. Community volunteers and faith organizations reveal the character of our Nation through their selfless giving of time and assistance to people in need. In places of learning, teachers and mentors build up our character by cultivating social and cultural awareness, intellectual curiosity, and a sense of responsibility in our future leaders. And in our homes, family members and loved ones offer compassion and guidance that also play a vital role in shaping our values.

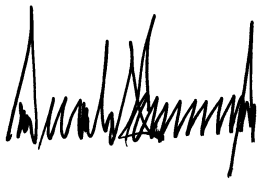
The inherent righteousness of America's moral character has perhaps never been needed more than in recent months as we have battled the coronavirus pandemic. In communities large and small throughout our country, acts of kindness have touched millions of individuals and families, uniting us under one common purpose to defeat the virus. Americans have selflessly supported their neighbors in need, delivering food and essential supplies to the most vulnerable and evincing a deep capacity for generosity and caring. Medical professionals have worked long hours at great personal risk to provide care to the sick and injured, and military personnel have mobilized to provide critical medical assistance and help keep us safe. Faith and community leaders have provided vital emotional support for those experiencing social isolation, and countless others have sacrificed to ease the burden on their family, friends, neighbors, and even complete strangers. This week, as we continue to unite as one Nation to both defeat the virus and safely reopen our country, we are reminded of how far decency and compassion can go in helping others during times of great challenge and uncertainty.

Every opportunity to show consideration for another person is also an opportunity to build habits of kindness and strengthen our character. Our words

and deeds leave imprints in our homes, schools, communities, and places of worship. Throughout this week, we recommit to being more kind, loving, understanding, and virtuous. Together, as one national family, we must serve others with giving and grateful hearts to ensure our Republic remains strong, vibrant, and a beacon of hope for future generations.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 18 through October 24, 2020, as National Character Counts Week. I call upon public officials, educators, parents, students, and all Americans to observe this week with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.



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Presidential Documents

Proclamation 10104 of October 16, 2020

National Forest Products Week, 2020

By the President of the United States of America

A Proclamation

Our Nation's magnificent forests are a source of commerce, recreation, and pride for all Americans. America's woodlands are capable of producing a myriad of products and materials that bolster our economy, improve our daily lives, supply our environment with clean air, and provide countless Americans an escape to hike and relax in a tranquil and picturesque setting. During National Forest Products Week, we appreciate the essential role forests and forest products play in our livelihood and prosperity, and we renew our commitment to maintaining these treasured woodlands for future generations.

The forest industry adds nearly $300 billion annually to our Gross Domestic Product and employs almost one million Americans. To ensure this sector of our economy continues to flourish, my Administration is strengthening markets for wood products and incentivizing innovative manufacturing techniques. As a result of these efforts, the Department of Agriculture's Forest Service sold 3.3 billion board feet of timber from National Forests in fiscal year 2019—the highest output since 1997.

In addition to bolstering rural economies, our foresters use science-based forest management practices in order to promote forest health and reduce wildfire risk. Over the past several months, our country has been particularly reminded of how devastating wildfires and natural disasters can be to our way of life and our economy. Throughout the western United States, wildfires have scorched and destroyed millions of acres of forest, and as a result of Hurricane Laura, the timber industry suffered an estimated $1.1 billion economic loss. This devastation has placed additional burdens on an essential industry that has been instrumental to our efforts to overcome the coronavirus pandemic, including by working to produce safer product packaging, like the wooden pallets used to deliver critical household items such as paper products, diapers, disinfecting wipes, medications, and mask filters. It is imperative that we safeguard our domestic supply of timber, provide economic security for our forest landowners, and maintain the viability of this critical aspect of our economy for the benefit of all Americans.

A sound forest products industry produces positive environmental benefits as well. In order to further promote forest health and protect the environment, on January 21, 2020, I announced that the United States would be joining the World Economic Forum's One Trillion Trees initiative, an ambitious global effort to grow and conserve one trillion trees worldwide by 2030. Following through on my commitment, and given the expansive footprint of our Federal forests and woodlands, I signed an Executive Order to establish the United States One Trillion Trees Interagency Council to further the Federal Government's participation in this effort. To complement these efforts, I have called for the passage of the bi-partisan REPLANT Act (S. 4357), which would help address the Forest Service's reforestation backlog and continued annual reforestation needs by removing the current $30 million annual funding cap for the Reforestation Trust Fund.

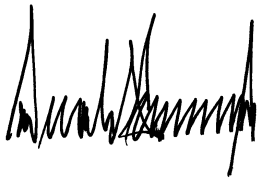
This week, we recommit to bolstering the forest products industry and to continuing to appreciate the natural resources God has bestowed upon

our country. Together with our Nation's foresters, we can preserve our beautiful forests for every American in order to secure a future of environmental and economic success now and for posterity.

Recognizing the economic importance of the many products generated from our Nation's forests, the Congress, through enactment of Public Law 86–753 (36 U.S.C. 123), as amended, has designated the week beginning on the third Sunday in October of each year as ''National Forest Products Week'' and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 18 through October 24, 2020, as National Forest Products Week. I call upon all Americans to observe this week with appropriate observances and activities and to reaffirm our commitment to our Nation's forests and the products that they provide.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of October, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.



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Rules and Regulations

Federal Register

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Thursday, October 22, 2020

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1631

Availability of Records

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Direct final rule.

SUMMARY: The Federal Retirement Thrift Investment Board (FRTIB) is amending its regulations to update the procedures by which it makes its employees and records available in response to subpoenas in legal proceedings in which the FRTIB is not a party.

DATES: This rule is effective without further action on December 1, 2020, unless significant adverse comment is received by November 23, 2020. If significant adverse comment is received, the FRTIB will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments using one of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Office of General Counsel, Attn: Dharmesh Vashee, Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002.
- *Facsimile:* Comments may be submitted by facsimile at (202) 942–1676.

Since March 23, 2020, the FRTIB has been operating in mandatory telework status due to the coronavirus pandemic, which has limited the ability to timely monitor mail and facsimiles. Therefore, we strongly encourage using the Federal Rulemaking Portal to submit comments.

FOR FURTHER INFORMATION CONTACT: Laurissa Stokes at (202) 942–1645.

SUPPLEMENTARY INFORMATION: The FRTIB administers the Thrift Savings Plan (TSP), which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514. The TSP provisions of FERSA are codified, as amended, largely at 5 U.S.C. 8351 and 8401–79. The TSP is a tax-deferred retirement savings plan for Federal civilian employees and members of the uniformed services. The TSP is similar to cash or deferred arrangements established for private-sector employees under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)).

Background

Federal agencies often receive formal demands (such as subpoenas) or informal requests to produce records, information, or testimony in judicial, legislative, or administrative proceedings in which those agencies are not a named party. Responding to these demands or requests may disrupt agency employees' work schedules significantly, may involve the agency in issues unrelated to its statutory mission, and may divert agency resources from accomplishing its mission-critical functions. Consequently, many Federal agencies have issued regulations to efficiently address the submission, evaluation, and processing of these demands or requests.

The United States Supreme Court upheld these types of regulations in *United States ex rel. Touhy* v. *Ragen,* 340 U.S. 462 (1951) (holding that provisions in the federal ''housekeeping'' statute, 5 U.S.C. 301, authorize agencies to promulgate rules governing record production and employee testimony). These types of regulations, which are often referred to as *Touhy* regulations, help ensure efficient use of Federal agency resources, minimize the possibility of involving an agency in issues unrelated to its mission, promote uniformity in responding to demands or requests, and maintain the impartiality of Federal agencies in matters that are in dispute between private parties.

The FRTIB's *Touhy* regulation, currently codified at 5 CFR part 1631, subpart B, was originally published in 52 FR 92 (May 13, 1987). The FRTIB has amended subpart B only once since 1987. Specifically, in 2007, the FRTIB added a section that describes the method by which the FRTIB authenticates copies of its records for use as evidence in legal proceedings. *See* 72 FR 181 (September 19, 2007).

This final rule amends the FRTIB'S existing *Touhy* regulation to clarify that it applies only when the FRTIB (or the FRTIB employee to whom a demand or request is directed) is not a party to the legal proceeding. This final rule also (1) delegates authority from the Executive Director to the General Counsel to allow testimony or production of records, (2) adds a list of factors that the General Counsel will consider when deciding whether to allow testimony or production of records, (3) adds filing requirements for demands or requests for testimony, and (4) adds a provision for charging fees and expenses that the FRTIB incurs by responding to demands or requests for production or testimony.

Direct Final Rulemaking

The FRTIB is publishing this regulation as a direct final rule. In a direct final rulemaking, an agency publishes its rule in the **Federal Register** along with a statement that the rule will become effective unless the agency receives significant adverse comment within a specified period.

The content of this direct final rule pertains to internal agency procedures rather than substantive rights or obligations. It does not create a right to obtain official records or the official testimony of an FRTIB employee, nor does it create any additional right or privilege not already available to FRTIB to deny any demand or request for testimony or documents. Therefore, pursuant to 5 U.S.C. 553, notice and comment are not required, and this rule may become effective after publication in the **Federal Register** without public comment.

Nevertheless, the FRTIB appreciates that members of the public may have perspectives or information that could impact the FRTIB's views with respect to its internal procedures. The FRTIB, therefore, is providing a 30-day public comment period, and intends to consider all comments submitted during that period. The FRTIB will withdraw the rule if it receives significant adverse comment. Comments that are not adverse may be considered for modifications to part 1631 at a future date. If no significant adverse comment is received, the rule will become effective 40 days after publication, without additional notice.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities.

This regulation will affect Federal employees and members of the uniformed services who participate in the Thrift Savings Plan, which is a Federal defined contribution retirement savings plan created under the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514, and which is administered by the FRTIB.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, 1501–1571, the effects of this regulation on state, local, and tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of $100 million or more by state, local, and tribal governments, in the aggregate, or by the private sector. Therefore, a statement under section 1532 is not required.

Submission to Congress and the General Accounting Office

Pursuant to 5 U.S.C. 810(a)(1)(A), the FRTIB submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States before publication of this rule in the **Federal Register**. This rule is not a major rule as defined at 5 U.S.C. 804(2).

List of Subjects in 5 CFR Part 1631

Courts, Freedom of information, Government employees.

Ravindra Deo,

Executive Director, Federal Retirement Thrift Investment Board.

For the reasons stated in the preamble, the FRTIB revises 5 CFR part 1631, subpart B, to read as follows:

PART 1631—AVAILABILITY OF RECORDS

Subpart B—Production in Response to Subpoenas or Demands of Courts or Other Authorities

Sec.

1631.30 Applicability.
1631.31 Definitions.
1631.32 General prohibition.
1631.33 Factors the General Counsel will consider.
1631.34 Filing requirements for demands or requests for testimony.
1631.35 Certification (authentication) of copies of records.
1631.36 Fees.

Authority: 5 U.S.C. 301, 522, and 8474(b).

§ 1631.30 Applicability.

This subpart applies to demands and requests to a Board employee for factual or expert testimony relating to official information, or for production of official records or information, in legal proceedings in which neither the Board or nor the Board employee is a named party. However, it does not apply to:

(a) Demands upon, or requests for, a current Board employee to testify as to facts or events that are unrelated to his or her official duties or that are unrelated to the functions of the Board;

(b) Requests for the release of records under the Freedom of Information Act, 5 U.S.C. 552, or the Privacy Act, 5 U.S.C. 552(a); and

(c) Congressional demands and requests for testimony of records.

§ 1631.31 Definitions.

Demand means a subpoena, or an order or other command of a court or other competent authority, for the production, disclosure, or release of records or for the appearance and testimony of a Board employee that is issued in a legal proceeding.

General Counsel means the General Counsel of the Board or his or her delegatee.

Legal proceeding means any matter before a court of law, administrative board or tribunal, commission, administrative law judge, hearing officer, or other body that conducts a legal or administrative proceeding. Legal proceeding includes all phases of litigation.

Board employee or employee means:

(1) Any current or former officer or employee of the Board;

(2) Any other individual hired through contractual agreement by or on behalf of the Board or who has performed or is performing services under such an agreement for the Board; and

(3) Any individual who served or is serving in any consulting or advisory capacity to the Board, whether formal or informal.

(4) Provided, that this definition does not include persons who are no longer employed by the Board and who are retained or hired as expert witnesses or who agree to testify about general matters available to the public, or matters with which they had no specific involvement or responsibility during their employment with the Board.

Records or official records and information mean:

(1) All documents and materials which are Board records under the Freedom of Information Act, 5 U.S.C. 552;

(2) All other documents and materials contained in Board files; and

(3) All other information or materials acquired by a Board employee in the performance of his or her official duties or because of his or her official status.

Request means any informal request, by whatever method, for the production of records and information or for testimony which has not been ordered by a court or other competent authority.

Testimony means any written or oral statements, including depositions, answers to interrogatories, affidavits, declarations, recorded interviews, and statements made by an individual in connection with a legal proceeding.

§ 1631.32 General prohibition.

No employee may produce official records and information or provide any testimony relating to official information in response to a demand or request without the prior, written approval of the General Counsel.

§ 1631.33 Factors the General Counsel will consider.

(a) The General Counsel, in his or her sole discretion, may grant an employee permission to testify on matters relating to official information, or produce official records and information, in response to an appropriate demand or request. Among the relevant factors that the General Counsel may consider in making this decision are whether:

(1) Allowing such testimony or production of records would assist or hinder the Board in performing its statutory duties or use Board resources in a way that will interfere with the ability of Board employees to do their regular work;

(2) Allowing such testimony or production of records would be in the best interest of Thrift Savings Plan participants and beneficiaries;

(3) The records or testimony can be obtained from other sources;

(4) The Board has an interest in the decision that may be rendered in the legal proceeding;

(5) The demand improperly seeks to compel a Board employee to serve as an expert witness for a private interest;

(6) The demand improperly seeks to compel a Board employee to testify as to a matter of law;

(7) Disclosure would result in the Board appearing to favor one private litigant over another private litigant;

(8) Disclosure relates to documents that were produced by another government agency; and

(9) The demand or request is unduly burdensome or otherwise inappropriate

under the applicable rules of discovery or the rules of procedure governing the case or matter in which the demand or request arose.

(b) The factors listed in paragraph (a) of this section are illustrative and not exhaustive.

§ 1631.34 Filing requirements for demands or requests for testimony.

You must comply with the following requirements whenever you send a demand or request for testimony to the Board or a Board employee. If you serve a subpoena on the Board or a Board employee that is not accompanied by a written request that complies with the requirements in this section, the General Counsel may oppose the subpoena on grounds that your request was not submitted in accordance with this subpart.

(a) Your request must be in writing and must contain the following information:

(1) The caption of the legal proceeding, docket number, and name and address of the court or other authority involved.

(2) A copy of the complaint or equivalent document setting forth the assertions in the case and any other pleading or document necessary to show relevance;

(3) A specific description of the substance of the testimony sought;

(4) A statement indicating that the information sought is not available from another source, from other persons or entities, or from the testimony of someone other than a Board employee, such as a retained expert;

(5) An explanation as to why no document could be provided and used in lieu of testimony;

(6) If oral testimony is sought, an explanation as to why a written declaration or affidavit cannot be used in lieu of oral testimony;

(7) A description of all prior decisions, orders, or pending motions in the case that bear upon the relevance of the requested testimony;

(8) The name, address, and telephone number of counsel to each party in the case; and

(9) An estimate of the amount of time that the requester and other parties will require with each Board employee for time spent by the employee to prepare for testimony, in travel, and for attendance in the legal proceeding.

(b) The Board reserves the right to require additional information to complete your request where appropriate.

(c) Your request should be submitted at least 45 days before the date that the testimony is required. Requests submitted in less than 45 days before testimony is required must be accompanied by a written explanation stating the reasons for the late request and the reasons for requesting expedited processing.

(d) Failure to cooperate in good faith to enable the General Counsel to make an informed decision may serve as the basis for a determination not to comply with your request.

§ 1631.35 Certification (authentication) of copies of records.

The Board may certify that copies of records are true copies in order to facilitate their use as evidence. The records custodian or other qualified individual shall certify copies of books, records, papers, writings, and documents by attaching a written declaration that complies with current Federal Rules of Evidence. No seal or notarization shall be required.

§ 1631.36 Fees.

(a) *Generally.* The Board may condition the production, disclosure, or release of records or the appearance and testimony of a Board employee upon advance payment of a reasonable estimate of the costs to the Board.

(b) *Fees for records.* Fees for the production, disclosure, or release of records are the same as those charged by the Board in its Freedom of Information Act regulations in subpart A of this part.

(c) *Fees for oral testimony.* Fees for attendance by a witness will include fees, expenses, and allowances prescribed by the court's rules. If no such fees are prescribed, witness fees will be determined based upon the rule of the Federal district court closest to the location where the witness will appear. Such fees will include cost of time spent by the witness to prepare for testimony, in travel, and for attendance in the legal proceeding.

(d) *Fees for written testimony.* For time spent by each employee preparing affidavits or declarations (including declarations to authenticate records), the Board may assess charges at the rate described in § 1631.14(a).

[FR Doc. 2020–22330 Filed 10–21–20; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0702; Amendment No. 71–52]

RIN 2120–AA66

Airspace Designations; Incorporation by Reference Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, administrative correction.

SUMMARY: This action incorporates certain airspace designation amendments into FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, for incorporation by reference.

DATES: Effective date 0901 UTC October 22, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/airtraffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Sarah A. Combs, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that

section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it makes the necessary updates for airspace areas within the National Airspace System.

History

Federal Aviation Administration Airspace Order 7400.11, Airspace Designations and Reporting Points, incorporated by reference in 14 CFR 71.1, is published yearly. Amendments referred to as ''effective date straddling amendments'' were published under Order 7400.11D (dated August 8, 2019, and effective September 15, 2019), but became effective under Order 7400.11E (dated July 21, 2020, and effective September 15, 2020). This action incorporates these rules into the current FAA Order 7400.11E.

Accordingly, as this is an administrative correction to update final rule amendments into FAA Order 7400.11E, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Also, to bring these rules and legal descriptions current, I find that good cause exists, under 5 U.S.C. 553(d), for making this amendment effective in less than 30 days.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by incorporating certain final rules into the current FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, which are depicted on aeronautical charts.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Corrections

1. For Docket No. FAA–2020–0298; Airspace Docket No. 19–ANM–97 (85 FR 40588; July 7, 2020)

Correction

a. On page 40588, column 2, line 63, and column 3, line 11, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 40589, column 1, line 7, and line 10, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 40588, column 3, line 59, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 40589, column 1, line 4, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 40589, column 2, line 19, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

2. For Docket No. FAA–2019–0359; Airspace Docket No. 15–AAL–5 (85 FR 43684, July 20, 2020).

Correction

a. On page 43684, column 3, line 56, and on page 43685, column 2, line 7, under **ADDRESSES**, ''. . . FAA Order 7400.11D. . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 43685, column 2, line 1, and line 4, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 43684, column 1, line 53, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 43684, column 1, line 64, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 243684, column 3, line 19, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

3. For Docket No. FAA–2020–0377; Airspace Docket No. 20–AGL–20 (85 FR 43431, July 17, 2020).

Correction

a. On page 43431, column 3, line 9, and line 22, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 43432, column 1, line 19, and line 22, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 43432, column 1, line 5, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 43432, column 1, line 15, under Availability and Summary of Documents for Incorporation by

Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 43432, column 2, line 41, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

4. For Docket No. FAA–2020–0398; Airspace Docket No. 20–ACE–8 (85 FR 43427, July 17, 2020).

Correction

a. On page 43427, column 1, line 45, and line 58, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 43427, column 2, line 58, and line 61, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 43427, column 2, line 45, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 43427, column 2, line 55, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 43428, column 1, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

5. For Docket No. FAA–2020–0376; Airspace Docket No. 20–ACE–7 (85 FR 43428, July 17, 2020).

Correction

a. On page 43428, column 2, line 7, and line 20, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 43428, column 3, line 17, and line 20, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 43428, column 3, line 4, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 43428, column 3, line 14, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 43429, column 1, line 45, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

6. For Docket No. FAA–2020–0362; Airspace Docket No. 20–AGL–19 (85 FR 43432, July 17, 2020).

Correction

a. On page 43432, column 3, line 33, and line 46, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 43433, column 1, line 46, and line 49, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 43433, column 1, line 33, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 43433, column 1, line 43, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 43433, column 2, line 63, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

7. For Docket No. FAA–2020–0321; Airspace Docket No. 20–AGL–17 (85 FR 43425, July 17, 2020).

Correction

a. On page 43425, column 3, line 51, and column 3, line 3, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 43426, column 1, line 7, and line 10, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 43425, column 3, line 59, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 43426, column 1, line 4, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 43426, column 3, line 16, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

8. For Docket No. FAA–2020–0319; Airspace Docket No. 20–ACE–5 (85 FR 43429, July 17, 2020).

Correction

a. On page 43429, column 2, line 52, and column 3, line 4, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 43430, column 1, line 30, and line 33, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 43430, column 1, line 17, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 43430, column 1, line 27, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 43431, column 1, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

9. For Docket No. FAA–2020–0350; Airspace Docket No. 18–AAL–2 (85 FR 44467, July 23, 2020).

Correction

a. On page 44467, column 3, line 41, and line 54, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 44468, column 1, line 64, and column 21, line 1, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 44468, column 1, line 51, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 44468, column 1, line 61, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 44468, column 3, line 57, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

10. For Docket No. FAA–2020–0351; Airspace Docket No. 18–AAL–3 (85 FR 44469, July 23, 2020).

Correction

a. On page 44469, column 2, line 9, and line 22, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 44469, column 3, line 34, and line 37, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 44469, column 3, line 21, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 44469, column 3, line 31, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 44470, column 2, line 16, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

11. For Docket No. FAA–2020–0282; Airspace Docket No. 19–ANM–31 (85 FR 44688, July 24, 2020).

Correction

a. On page 44688, column 2, line 9, and line 22, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 44688, column 3, line 19, and line 22, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 44688, column 3, line 6, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 44688, column 3, line 16, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 44689, column 2, line 19, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

12. For Docket No. FAA–2020–0396; Airspace Docket No. 20–AGL–21 (85 FR 44689, July 24, 2020).

Correction

a. On page 44689, column 3, line 56, and on page 44690, column 1, line 8, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 44690, column 2, line 40, and line 43, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 44688, column 3, line 6, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 44688, column 3, line 16, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 44689, column 2, line 19, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

13. For Docket No. FAA–2020–0192; Airspace Docket No. 20–AEA–3 (85 FR 45995, July 31, 2020).

Correction

a. On page 45995, column 3, line 35, and line 48, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 45996, column 1, line 62, and line 65, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 45996, column 1, line 49, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 45996, column 1, line 59, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 45996, column 3, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

14. For Docket No. FAA–2020–0352; Airspace Docket No. 18–AAL–4 (85 FR 45997, July 31, 2020).

Correction

a. On page 45997, column 1, line 35, and line 48, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 45997, column 2, line 47, and line 50, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 45997, column 2, line 34, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 45997, column 2, line 44, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 45998, column 1, line 39, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

15. For Docket No. FAA–2019–0932; Airspace Docket No. 19–ASO–24 (85 FR 45993, July 31, 2020).

Correction

a. On page 45994, column 1, line 7, and line 20, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 45994, column 2, line 50, and line 53, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 45994, column 2, line 36, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 45994, column 2, line 47, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 45995, column 1, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

16. For Docket No. FAA–2020–0353; Airspace Docket No. 19–AWP–19 (85 FR 47017, August 4, 2020).

Correction

a. On page 47017, column 2, line 12, and line 25, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 47017, column 3, line 22, and line 25, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 47017, column 3, line 9, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 47017, column 3, line 19, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 47018, column 1, line 61, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

17. For Docket No. FAA–2020–0277; Airspace Docket No. 20–AEA–5 (85 FR 47016, August 4, 2020).

Correction

a. On page 47016, column 1, line 41, and line 52, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 47016, column 2, line 60, and line 63, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 47016, column 2, line 47, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 47016, column 2, line 57, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 47017, column 1, line 16, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

18. For Docket No. FAA–2020–0242; Airspace Docket No. 20–AEA–4 (85 FR 47894, August 7, 2020).

Correction

a. On page 47894, column 2, line 5, and line 18, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 47894, column 3, line 42, and line 45, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 47894, column 3, line 29, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 47894 column 3, line 39, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 47895, column 2, line 16, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

19. For Docket No. FAA–2020–0189; Airspace Docket No. 19–AGL–2 (85 FR 50777, August 18, 2020).

Correction

a. On page 50777, column 1, line 46, and line 59, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 50777, column 3, line 22, and line 25, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 50777, column 2, line 60, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 50777, column 3, line 19, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 50778, column 3, line 21, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

20. For Docket No. FAA–2020–0004; Airspace Docket No. 19–AGL–16 (85 FR 50774, August 18, 2020).

Correction

a. On page 50774, column 2, line 43, and line 56, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 50774, column 3, line 65, and on page 50775, column 1, line 22, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 50774, column 3, line 48, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 50774, column 3, line 62, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 50776, column 2, line 3, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

21. For Docket No. FAA–2019–0815; Airspace Docket No. 19–ASW–8 (85 FR 51329, August 20, 2020).

Correction

a. On page 52329, column 2, line 14, and line 27, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 52330, column 1, line 34, and line 37, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 52330, column 1, line 21, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order

7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 51330, column 1, line 31, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 51331, column 1, line 12, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

22. For Docket No. FAA–2020–0110; Airspace Docket No. 20–AGL–5 (85 FR 51325, August 20, 2020).

Correction

a. On page 51326, column 1, line 1, and line 14, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 51326, column 2, line 12, and line 15, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 51326, column 1, line 65, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 51326, column 2, line 9, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 51326, column 3, line 32, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

23. For Docket No. FAA–2020–0294; Airspace Docket No. 20–AGL–8 (85 FR 51324, August 20, 2020).

Correction

a. On page 51324, column 2, line 24, and line 37, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 51324, column 3, line 49, and line 52, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 51324, column 3, line 36, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 51324, column 3, line 46, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 51325, column 3, line 24, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

24. For Docket No. FAA–2020–0186; Airspace Docket No. 19–ANE–5 (85 FR 51327, August 20, 2020).

Correction

a. On page 51327, column 1, line 42, and line 55, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 51327, column 2, line 56, and line 59, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 51327, column 2, line 43, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 51327, column 2, line 53, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 51328, column 3, line 35, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

25. For Docket No. FAA–2020–0365; Airspace Docket No. 20–ASW–4 (85 FR 52045, August 24, 2020).

Correction

a. On page 52046, column 1, line 4, and line 17, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 52046, column 2, line 20, and line 23, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 52046, column 2, line 7, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 52046, column 2, line 17, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 52046, column 3, line 42, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting

Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

26. For Docket No. FAA–2020–0350; Airspace Docket No. 18–AAL–2 (85 FR 52270, August 25, 2020).

Correction

a. On page 52271, column 1, line 29, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

27. For Docket No. FAA–2020–0244; Airspace Docket No. 19–AGL–1 (85 FR 53158, August 28, 2020).

Correction

a. On page 53158, column 3, line 24, and line 37, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 53159, column 1, line 19, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

§ 71.1 [Corrected]

■ e. On page 53159, column 3, line 22, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

28. For Docket No. FAA–2020–0187; Airspace Docket No. 19–ASO–27 (85 FR 54233, September 1, 2020).

Correction

a. On page 54233, column 2, line 31, and line 44, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E. . .''.

b. On page 54234, column 1, line 2, and line 5, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 54233, column 3, line 49, under History, ''. . .FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 54233, column 3, line 59, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 54235, column 1, line 60, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

29. For Docket No. FAA–2020–0548; Airspace Docket No. 20–ACE–10 (85 FR 55368, September 8, 2020).

Correction

a. On page 55368, column 3, line 35, and line 48, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 55369, column 1, line 51, and line 54, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 55369, column 1, line 38, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 55369, column 1, line 48, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 55369, column 3, line 3, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

30. For Docket No. FAA–2020–0549; Airspace Docket No. 20–ACE–11 (85 FR 55369, September 8, 2020).

Correction

a. On page 55369, column 3, line 53, and on page 55370, column 1, line 8, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 55370, column 2, line 7, and line 8, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 55370, column 1, line 57, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 55370, column 2, line 4, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 55370, column 3, line 29, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

31. For Docket No. FAA–2020–0550; Airspace Docket No. 20–AGL–23 (85 FR 55371, September 8, 2020).

Correction

a. On page 55371, column 1, line 34, and line 47, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 55371, column 2, line 49, and line 52, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 55371, column 2, line 36, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 55371, column 2, line 46, under Availability and Summary of Documents for Incorporation by

Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 55372, column 1, line 6, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

32. For Docket No. FAA–2020–05551; Airspace Docket No. 20–ASW–6 (85 FR 55366, September 8, 2020).

Correction

a. On page 55367, column 1, line 5, and line 18, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 55367, column 2, line 49, and line 52, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 55366, column 2, line 36, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 55367, column 2, line 46, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 55368, column 2, line 6, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

33. For Docket No. FAA–2020–0491; Airspace Docket No. 20–ASO–16 (85 FR 56514, September 14, 2020).

Correction

a. On page 56515, column 1, line 7, and line 20, under **ADDRESSES**, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

b. On page 56515, column 2, line 20, and line 23, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D . . .'' is corrected to read ''. . . FAA Order 7400.11E . . .''.

c. On page 56215, column 2, line 7, under History, ''. . . FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020 . . .''.

d. On page 56215, column 2, line 17, under Availability and Summary of Documents for Incorporation by Reference, ''. . . FAA Order 7400.11D Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2020, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''.

§ 71.1 [Corrected]

■ e. On page 56515, column 3, line 32, under Amendatory Instruction 2, ''. . . FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019, . . .'' is corrected to read ''. . . FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, . . .''

Issued in Washington, DC, on October 13, 2020.

Scott M. Rosenbloom,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2020–22956 Filed 10–21–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Chapter I

Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Mexico

AGENCY: Office of the Secretary, U.S. Department of Homeland Security; U.S. Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: Notification of continuation of temporary travel restrictions.

SUMMARY: This document announces the decision of the Secretary of Homeland Security (Secretary) to continue to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border. Such travel will be limited to ''essential travel,'' as further defined in this document.

DATES: These restrictions go into effect at 12 a.m. Eastern Daylight Time (EDT) on October 22, 2020 and will remain in effect until 11:59 p.m. Eastern Standard Time (EST) on November 21, 2020.

FOR FURTHER INFORMATION CONTACT: Alyce Modesto, Office of Field Operations, U.S. Customs and Border Protection (CBP) at 202–344–3788.

SUPPLEMENTARY INFORMATION:

Background

On March 24, 2020, DHS published notice of the Secretary's decision to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to ''essential travel,'' as further defined in that document.[1] The document described the developing circumstances regarding the COVID–19 pandemic and stated that, given the outbreak and continued transmission and spread of the virus associated with COVID–19 within the United States and globally, the Secretary had determined that the risk of continued transmission and spread of the virus associated with COVID–19 between the United States and Mexico posed a ''specific threat to human life or national interests.'' The Secretary later published a series of notifications continuing such limitations on travel until 11:59 p.m. EDT on October 21, 2020.[2]

The Secretary has continued to monitor and respond to the COVID–19

[1] 85 FR 16547 (Mar. 24, 2020). That same day, DHS also published notice of the Secretary's decision to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to ''essential travel,'' as further defined in that document. 85 FR 16548 (Mar. 24, 2020).

[2] *See* 85 FR 59669 (Sept. 23, 2020); 85 FR 51633 (Aug. 21, 2020); 85 FR 44183 (July 22, 2020); 85 FR 37745 (June 24, 2020); 85 FR 31057 (May 22, 2020); 85 FR 22353 (Apr. 22, 2020). DHS also published parallel notifications of the Secretary's decisions to continue temporarily limiting the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to ''essential travel.'' *See* 85 FR 59670 (Sept. 23, 2020); 85 FR 51634 (Aug. 21, 2020); 85 FR 44185 (July 22, 2020); 85 FR 37744 (June 24, 2020); 85 FR 31050 (May 22, 2020); 85 FR 22352 (Apr. 22, 2020).

pandemic. As of the week of October 12, there are over 37 million confirmed cases globally, with over one million confirmed deaths.[3] There are over 7.8 million confirmed and probable cases within the United States,[4] over 178,000 confirmed cases in Canada,[5] and over 809,000 confirmed cases in Mexico.[6]

Notice of Action

Given the outbreak and continued transmission and spread of COVID–19 within the United States and globally, the Secretary has determined that the risk of continued transmission and spread of the virus associated with COVID–19 between the United States and Mexico poses an ongoing ''specific threat to human life or national interests.''

U.S. and Mexican officials have mutually determined that non-essential travel between the United States and Mexico poses additional risk of transmission and spread of the virus associated with COVID–19 and places the populace of both nations at increased risk of contracting the virus associated with COVID–19. Moreover, given the sustained human-to-human transmission of the virus, returning to previous levels of travel between the two nations places the personnel staffing land ports of entry between the United States and Mexico, as well as the individuals traveling through these ports of entry, at increased risk of exposure to the virus associated with COVID–19. Accordingly, and consistent with the authority granted in 19 U.S.C. 1318(b)(1)(C) and (b)(2),[7] I have determined that land ports of entry along the U.S.-Mexico border will continue to suspend normal operations and will only allow processing for entry into the United States of those travelers engaged in ''essential travel,'' as defined below. Given the definition of ''essential travel'' below, this temporary alteration in land ports of entry operations should not interrupt legitimate trade between the two nations or disrupt critical supply chains that ensure food, fuel, medicine, and other critical materials reach individuals on both sides of the border.

For purposes of the temporary alteration in certain designated ports of entry operations authorized under 19 U.S.C. 1318(b)(1)(C) and (b)(2), travel through the land ports of entry and ferry terminals along the United States-Mexico border shall be limited to ''essential travel,'' which includes, but is not limited to—

- U.S. citizens and lawful permanent residents returning to the United States;
- Individuals traveling for medical purposes (*e.g.,* to receive medical treatment in the United States);
- Individuals traveling to attend educational institutions;
- Individuals traveling to work in the United States (*e.g.,* individuals working in the farming or agriculture industry who must travel between the United States and Mexico in furtherance of such work);
- Individuals traveling for emergency response and public health purposes (*e.g.,* government officials or emergency responders entering the United States to support federal, state, local, tribal, or territorial government efforts to respond to COVID–19 or other emergencies);
- Individuals engaged in lawful cross-border trade (*e.g.,* truck drivers supporting the movement of cargo between the United States and Mexico);
- Individuals engaged in official government travel or diplomatic travel;
- Members of the U.S. Armed Forces, and the spouses and children of members of the U.S. Armed Forces, returning to the United States; and
- Individuals engaged in military-related travel or operations.

The following travel does not fall within the definition of ''essential travel'' for purposes of this Notification—

- Individuals traveling for tourism purposes (*e.g.,* sightseeing, recreation, gambling, or attending cultural events).

At this time, this Notification does not apply to air, freight rail, or sea travel between the United States and Mexico, but does apply to passenger rail, passenger ferry travel, and pleasure boat travel between the United States and Mexico. These restrictions are temporary in nature and shall remain in effect until 11:59 p.m. EST on November 21, 2020. This Notification may be amended or rescinded prior to that time, based on circumstances associated with the specific threat.

The Commissioner of U.S. Customs and Border Protection (CBP) is hereby directed to prepare and distribute appropriate guidance to CBP personnel on the continued implementation of the temporary measures set forth in this Notification. The CBP Commissioner may determine that other forms of travel, such as travel in furtherance of economic stability or social order, constitute ''essential travel'' under this Notification. Further, the CBP Commissioner may, on an individualized basis and for humanitarian reasons or for other purposes in the national interest, permit the processing of travelers to the United States not engaged in ''essential travel.''

The Acting Secretary of Homeland Security, Chad F. Wolf, having reviewed and approved this document, has delegated the authority to electronically sign this document to Chad R. Mizelle, who is the Senior Official Performing the Duties of the General Counsel for DHS, for purposes of publication in the **Federal Register**.

Chad R. Mizelle,

Senior Official Performing the Duties of the General Counsel, U.S. Department of Homeland Security.

[FR Doc. 2020–23392 Filed 10–21–20; 8:45 am]

BILLING CODE 9112–FP–P

[3] WHO, Coronavirus disease 2019 (COVID–19) Weekly Epidemiological Update (Oct. 12, 2020), available at *https://www.who.int/docs/default-source/coronaviruse/situation-reports/20201012-weekly-epi-update-9.pdf.*

[4] CDC, COVID Data Tracker (last updated Oct. 15, 2020), available at *https://covid.cdc.gov/covid-data-tracker/.*

[5] WHO, COVID–19 Weekly Epidemiological Update (Oct. 12, 2020).

[6] *Id.*

[7] 19 U.S.C. 1318(b)(1)(C) provides that ''[n]otwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 *et seq.*) or to a specific threat to human life or national interests,'' is authorized to ''[t]ake any . . . action that may be necessary to respond directly to the national emergency or specific threat.'' On March 1, 2003, certain functions of the Secretary of the Treasury were transferred to the Secretary of Homeland Security. *See* 6 U.S.C. 202(2), 203(1). Under 6 U.S.C. 212(a)(1), authorities ''related to Customs revenue functions'' were reserved to the Secretary of the Treasury. To the extent that any authority under section 1318(b)(1) was reserved to the Secretary of the Treasury, it has been delegated to the Secretary of Homeland Security. *See* Treas. Dep't Order No. 100–16 (May 15, 2003), 68 FR 28322 (May 23, 2003). Additionally, 19 U.S.C. 1318(b)(2) provides that ''[n]otwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Protection, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.'' Congress has vested in the Secretary of Homeland Security the ''functions of all officers, employees, and organizational units of the Department,'' including the Commissioner of CBP. 6 U.S.C. 112(a)(3).

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Chapter I

Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Canada

AGENCY: Office of the Secretary, U.S. Department of Homeland Security; U.S. Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: Notification of continuation of temporary travel restrictions.

SUMMARY: This document announces the decision of the Secretary of Homeland Security (Secretary) to continue to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border. Such travel will be limited to ''essential travel,'' as further defined in this document.

DATES: These restrictions go into effect at 12 a.m. Eastern Daylight Time (EDT) on October 22, 2020 and will remain in effect until 11:59 p.m. Eastern Standard Time (EST) on November 21, 2020.

FOR FURTHER INFORMATION CONTACT: Alyce Modesto, Office of Field Operations, U.S. Customs and Border Protection (CBP) at 202–344–3788.

SUPPLEMENTARY INFORMATION:

Background

On March 24, 2020, DHS published notice of the Secretary's decision to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to ''essential travel,'' as further defined in that document.[1] The document described the developing circumstances regarding the COVID–19 pandemic and stated that, given the outbreak and continued transmission and spread of the virus associated with COVID–19 within the United States and globally, the Secretary had determined that the risk of continued transmission and spread of the virus associated with COVID–19 between the United States and Canada posed a ''specific threat to human life or national interests.'' The Secretary later published a series of notifications continuing such limitations on travel until 11:59 p.m. EDT on October 21, 2020.[2]

The Secretary has continued to monitor and respond to the COVID–19 pandemic. As of the week of October 12, there are over 37 million confirmed cases globally, with over one million confirmed deaths.[3] There are over 7.8 million confirmed and probable cases within the United States,[4] over 178,000 confirmed cases in Canada,[5] and over 809,000 confirmed cases in Mexico.[6]

Notice of Action

Given the outbreak and continued transmission and spread of COVID–19 within the United States and globally, the Secretary has determined that the risk of continued transmission and spread of the virus associated with COVID–19 between the United States and Canada poses an ongoing ''specific threat to human life or national interests.''

U.S. and Canadian officials have mutually determined that non-essential travel between the United States and Canada poses additional risk of transmission and spread of the virus associated with COVID–19 and places the populace of both nations at increased risk of contracting the virus associated with COVID–19. Moreover, given the sustained human-to-human transmission of the virus, returning to previous levels of travel between the two nations places the personnel staffing land ports of entry between the United States and Canada, as well as the individuals traveling through these ports of entry, at increased risk of exposure to the virus associated with COVID–19. Accordingly, and consistent with the authority granted in 19 U.S.C. 1318(b)(1)(C) and (b)(2),[7] I have determined that land ports of entry along the U.S.-Canada border will continue to suspend normal operations and will only allow processing for entry into the United States of those travelers engaged in ''essential travel,'' as defined below. Given the definition of ''essential travel'' below, this temporary alteration in land ports of entry operations should not interrupt legitimate trade between the two nations or disrupt critical supply chains that ensure food, fuel, medicine, and other critical materials reach individuals on both sides of the border.

For purposes of the temporary alteration in certain designated ports of entry operations authorized under 19 U.S.C. 1318(b)(1)(C) and (b)(2), travel through the land ports of entry and ferry terminals along the United States-Canada border shall be limited to ''essential travel,'' which includes, but is not limited to—

- U.S. citizens and lawful permanent residents returning to the United States;
- Individuals traveling for medical purposes (*e.g.,* to receive medical treatment in the United States);
- Individuals traveling to attend educational institutions;
- Individuals traveling to work in the United States (*e.g.,* individuals working in the farming or agriculture industry who must travel between the United States and Canada in furtherance of such work);
- Individuals traveling for emergency response and public health purposes (*e.g.,* government officials or emergency responders entering the United States to support federal, state, local, tribal, or territorial government efforts to respond to COVID–19 or other emergencies);
- Individuals engaged in lawful cross-border trade (*e.g.,* truck drivers supporting the movement of cargo between the United States and Canada);
- Individuals engaged in official government travel or diplomatic travel;
- Members of the U.S. Armed Forces, and the spouses and children of members of the U.S. Armed Forces, returning to the United States; and
- Individuals engaged in military-related travel or operations.

The following travel does not fall within the definition of ''essential travel'' for purposes of this Notification—

[1] 85 FR 16548 (Mar. 24, 2020). That same day, DHS also published notice of the Secretary's decision to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to ''essential travel,'' as further defined in that document. 85 FR 16547 (Mar. 24, 2020).

[2] *See* 85 FR 59670 (Sept. 23, 2020); 85 FR 51634 (Aug. 21, 2020); 85 FR 44185 (July 22, 2020); 85 FR 37744 (June 24, 2020); 85 FR 31050 (May 22, 2020); 85 FR 22352 (Apr. 22, 2020). DHS also published parallel notifications of the Secretary's decisions to continue temporarily limiting the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to ''essential travel.'' *See* 85 FR 59669 (Sept. 23, 2020); 85 FR 51633 (Aug. 21, 2020); 85 FR 44183 (July 22, 2020); 85 FR 37745 (June 24, 2020); 85 FR 31057 (May 22, 2020); 85 FR 22353 (Apr. 22, 2020).

[3] WHO, Coronavirus disease 2019 (COVID–19) Weekly Epidemiological Update (Oct. 12, 2020), available at *https://www.who.int/docs/default-source/coronaviruse/situation-reports/20201012-weekly-epi-update-9.pdf.*

[4] CDC, COVID Data Tracker (last updated Oct. 15, 2020), available at *https://covid.cdc.gov/covid-data-tracker/.*

[5] WHO, COVID–19 Weekly Epidemiological Update (Oct. 12, 2020).

[6] *Id.*

[7] 19 U.S.C. 1318(b)(1)(C) provides that ''[n]otwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 *et seq.*) or to a specific threat to human life or national interests,'' is authorized to ''[t]ake any . . . action that may be necessary to respond directly to the national emergency or specific threat.'' On March 1, 2003, certain functions of the Secretary of the Treasury were transferred to the Secretary of Homeland Security. *See* 6 U.S.C. 202(2), 203(1). Under 6 U.S.C. 212(a)(1), authorities ''related to Customs revenue functions'' were reserved to the Secretary of the Treasury. To the extent that any authority under section 1318(b)(1) was reserved to the Secretary of the Treasury, it has been delegated to the Secretary of Homeland Security. *See* Treas. Dep't Order No. 100–16 (May 15, 2003), 68 FR 28322 (May 23, 2003). Additionally, 19 U.S.C. 1318(b)(2) provides that ''[n]otwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Protection, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.'' Congress has vested in the Secretary of Homeland Security the ''functions of all officers, employees, and organizational units of the Department,'' including the Commissioner of CBP. 6 U.S.C. 112(a)(3).

• Individuals traveling for tourism purposes (*e.g.,* sightseeing, recreation, gambling, or attending cultural events).

At this time, this Notification does not apply to air, freight rail, or sea travel between the United States and Canada, but does apply to passenger rail, passenger ferry travel, and pleasure boat travel between the United States and Canada. These restrictions are temporary in nature and shall remain in effect until 11:59 p.m. EST on November 21, 2020. This Notification may be amended or rescinded prior to that time, based on circumstances associated with the specific threat.

The Commissioner of U.S. Customs and Border Protection (CBP) is hereby directed to prepare and distribute appropriate guidance to CBP personnel on the continued implementation of the temporary measures set forth in this Notification. The CBP Commissioner may determine that other forms of travel, such as travel in furtherance of economic stability or social order, constitute ''essential travel'' under this Notification. Further, the CBP Commissioner may, on an individualized basis and for humanitarian reasons or for other purposes in the national interest, permit the processing of travelers to the United States not engaged in ''essential travel.''

The Acting Secretary of Homeland Security, Chad F. Wolf, having reviewed and approved this document, has delegated the authority to electronically sign this document to Chad R. Mizelle, who is the Senior Official Performing the Duties of the General Counsel for DHS, for purposes of publication in the **Federal Register**.

Chad R. Mizelle,

Senior Official Performing the Duties of the General Counsel, U.S. Department of Homeland Security.

[FR Doc. 2020–23394 Filed 10–21–20; 8:45 am]

BILLING CODE 9112–FP–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1301

[Docket No. DEA–322]

RIN 1117–AB20

Implementation of the Ryan Haight Online Pharmacy Consumer Protection Act of 2008; Correction

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule; correction.

SUMMARY: The Drug Enforcement Administration is correcting a final rule that published in the **Federal Register** on September 30, 2020. The final rule implemented the Ryan Haight Online Pharmacy Consumer Protection Act of 2008. This change will provide clarity.

DATES: Effective October 30, 2020.

FOR FURTHER INFORMATION CONTACT: Scott A. Brinks, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3261.

SUPPLEMENTARY INFORMATION:

Legal Authority

The Controlled Substances Act (CSA) grants the Attorney General authority to promulgate rules and regulations relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances; as well as the maintenance and submission of records and reports of registrants; and that are necessary and appropriate for the efficient execution of his statutory functions. 21 U.S.C. 821, 827, 871(b). The Attorney General is further authorized by the CSA to promulgate rules and regulations relating to the registration and control of importers and exporters of controlled substances. 21 U.S.C. 958(f). The Attorney General has delegated this authority to the Administrator of the DEA. 28 CFR 0.100(b).

Technical Correction

In FR Rule Doc. 2020–21310, beginning on page 61594 in the **Federal Register** of Wednesday, September 30, 2020, the following correction is made:

§ 1301.13 [Corrected]

■ 1. On page 61601, in the ''Application fee ($)'' column of the paragraph (e)(1)(iv) table, ''731'' is corrected to read ''888''.

Timothy J. Shea,

Acting Administrator.

[FR Doc. 2020–22761 Filed 10–21–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2016–0897]

RIN 1625–AA01

Anchorage Grounds; Atlantic Ocean, Jacksonville, FL

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a dedicated offshore anchorage approximately seven nautical miles northeast of the St. Johns River inlet, Florida. This action is necessary to ensure the safety and efficiency of navigation for all vessels transiting in and out of the Port of Jacksonville.

DATES: This rule is effective November 23, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2016–0897 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Emily Sysko, Sector Jacksonville Waterways Management Division Chief, U.S. Coast Guard; telephone 904–714–7616, email *Emily.T.Sysko@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
JMTX Jacksonville Marine Transportation Exchange
NMFS National Marine Fisheries
NOAA National Oceanic and Atmospheric Administration
NPRM Notice of proposed rulemaking
§ Section
SJBPA St. Johns Bar Pilots Association
U.S.C. United States Code
USCG United States Coast Guard
WAMS Waterways Analysis and Management System

II. Background Information and Regulatory History

The project to establish an offshore anchorage just outside of the St. Johns River and offshore of Jacksonville was initiated in 2013. From 2013 through 2017, certain port stakeholders (St. Johns Bar Pilots Association (SJBPA), Jacksonville Marine Transportation

Exchange (JMTX), National Oceanic and Atmospheric Administration (NOAA), and United States Coast Guard (USCG)) worked to determine a suitable location for the anchorage, with consideration given to, among other things, environmental factors and Seasonal Management Areas. However, a location was not determined during this timeframe. The USCG conducted a Waterways Analysis and Management System (WAMS) survey for this proposed project and did not receive any comments of concern from the entities previously mentioned.

In 2016, the stakeholders re-engaged the USCG in an attempt to complete the offshore anchorage project. A notice of proposed rulemaking (NPRM) was published in the **Federal Register** on May 4, 2017 (82 FR 20859). Informal National Environmental Protection Act (NEPA) consultations were disseminated requesting feedback on the proposed anchorage location. National Marine Fisheries (NMFS) and NOAA responded with significant concerns regarding the location. The aforementioned agencies requested an environmental study be completed to analyze potential hard bottom locations within the selected anchorage ground and the effects of vessels anchoring in these environmentally sensitive areas. The stakeholders involved at this time were unable to financially support the requested study. Due to these concerns, no further action was taken after the NPRM was published in 2017.

In 2018, the USCG met with the stakeholders again to determine a way forward with the proposed anchorage. Stakeholders concluded that three circular anchorages would meet the needs of an offshore anchorage, while allowing flexibility to avoid hard bottom areas. In 2019, USCG Sector Jacksonville sent out an informal consultation via email to federal, state and local government and private stakeholders to solicit for feedback on the proposed, new anchorage construct. NMFS agreed with the construct, allowing USCG to move forward with formal NEPA consultation. Towards the end of 2019, USCG sent out formal consultation to approximately 20 different organizations and agencies regarding the anchorage. At this time, NMFS expressed some minor concerns. At the beginning of 2020, stakeholders and NMFS came to an agreement that addressed the minor concerns raised.

On July 6, 2020, a supplemental notice of proposed rulemaking (SNPRM) was published in the **Federal Register** (85 FR 40154). In the SNPRM, we proposed to establish a dedicated offshore anchorage approximately seven nautical miles northeast of the St. Johns River inlet, Florida.

During the comment period that ended September 4, 2020, we received one comment in support of the regulation.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority found in 33 U.S.C. 471. The purpose of this rulemaking is to improve the navigational safety, traffic management and port security for the Port of Jacksonville.

Currently, there is no dedicated deep draft offshore anchorage for commercial ocean-going vessels arriving at the Port of Jacksonville. Vessels have routinely been anchoring 1.5 nautical miles northeast of the ''STJ'' entrance buoy. Without a designated charted anchorage area, vessels end up drifting or anchoring in the common approaches to the St. Johns River, creating a potential hazardous condition for vessels transiting in and out of the Port of Jacksonville. These conditions have worsened in recent years with the introduction of Liquefied Natural Gas (LNG) vessels transiting the Port of Jacksonville. Additional growth is forecasted to occur because of an expected deepening of the channel, causing an increase in the number of large vessels calling on Jacksonville in the near future.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received one supportative comment on the SNPRM. There are no changes in the regulatory text of this rule from the proposed rule in the SNPRM.

This rule establishes an offshore anchorage area approximately seven nautical miles northeast of the St. Johns River inlet, Florida. There is not currently a dedicated deep draft offshore anchorage for commercial ocean-going vessels arriving at the Port of Jacksonville. This action is necessary to ensure the safety and efficiency of navigation for vessels transiting in and out of the Port of Jacksonville. The anchorage areas consist of three circles each with a radius of 1,400 feet.

The anchorage boundaries are described, using precise coordinates, in the regulatory text at the end of this document.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the fact that there will be minimal impact to routine navigation because the anchorage area would not restrict traffic. The anchorage is located well outside of the established navigation channel. Vessels would still be able to maneuver in, around, and through the anchorage.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the anchorage may be small entities, for the reasons stated in section V.A above, this rule would not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees

who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing offshore anchorage grounds, which would be comprised of three circles, each with a 1,400-foot radius. The anchorage grounds are not designated a critical habitat or special management area. Normally such actions are categorically excluded from further review under paragraph L59(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

List of Subjects in 33 CFR Part 110

Anchorage Grounds.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2071, 46 U.S.C. 70034; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 110.184 to read as follows:

§ 110.184 Atlantic Ocean, Offshore Jacksonville, FL.

(a) *Location.* All waters of the Atlantic Ocean encompassed within a radius of 1,400 feet of the following coordinates based on North American Datum 1983:

(1) Anchorage Ground 1 with a center point in position 30°26″48.6′ N, 81°17″14.9′ W.

(2) Anchorage Ground 2 with a center point in position 30°26″20.5′ N, 81°17″30.8′ W; and

(3) Anchorage Ground 3 with a center point in position 30°26″20.2′ N, 81°16″57.8′ W.

(b) *The regulations.* (1) Commercial vessels in the Atlantic Ocean near the Port of Jacksonville desiring to anchor must anchor only within the anchorage area defined and established in paragraph (a) of this section, except in cases of emergency.

(2) All vessels within the designated anchorage area must maintain a 24-hour bridge watch by a licensed or credentialed deck officer proficient in English, monitoring VHF–FM channel 16. This individual must confirm that the ship's crew performs frequent checks of the vessel's position to ensure the vessel is not dragging anchor.

(3) Vessels may anchor anywhere within the designated anchorage area, provided that: Such anchoring does not interfere with the operations of any other vessels currently at anchorage; and all anchor and chain or cable is positioned in such a manner to preclude dragging.

(4) No vessel may anchor in a ''dead ship'' status (that is, propulsion or control unavailable for normal operations) without the prior approval of the Captain of the Port (COTP). Vessels which are planning to perform main propulsion engine repairs or maintenance, must immediately notify the COTP on VHF–FM Channel 22A. Vessels must also report marine casualties in accordance with 46 CFR 4.05–1.

(5) No vessel may anchor within the designated anchorage for more than 72 hours without the prior approval of the COTP. To obtain this approval, contact the COTP on VHF–FM Channel 22A.

(6) The COTP may close the anchorage area and direct vessels to depart the anchorage during periods of adverse weather or at other times as deemed necessary in the interest of port safety or security.

(7) Commercial vessels anchoring under emergency circumstances outside the anchorage area must shift to new positions within the anchorage area immediately after the emergency ceases.

Dated: September 15, 2020.

Eric C. Jones,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 2020–22059 Filed 10–21–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2020–0612]

RIN 1625–AA00

Safety Zone; Environmental Response, Breton Sound, LA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the navigable waters of Breton Sound,

LA. The safety zone encompasses all navigable waters within a 100-yard radius of environmental response activity taking place at 29 27.000N, 089 17.682W while response operations are being conducted. The safety zone is necessary to protect personnel, vessels, and the marine environment from potential hazards created by response operations to repair a damaged platform. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port New Orleans.

DATES: This rule is effective without actual notice from October 22, 2020 through November 2, 2020. For the purposes of enforcement, actual notice will be used from October 2, 2020 until October 22, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2020–0612 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Corinne Plummer, Sector New Orleans, U.S. Coast Guard; telephone 504–365–2246, email *Corinne.M.Plummer@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. It is impracticable to publish an NPRM because we must establish this safety zone by October 2, 2020 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest because immediate action is needed to respond to the potential safety hazards associated with the environmental response activity.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port New Orleans (COTP) has determined that potential hazards associated with environmental response operations, consisting of securing and repairs to a damaged platform, will be of a safety concern for anyone within a 100-yard radius of the platform, located at approximately 29 27.000N, 089 17.682W. This rule is necessary to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while platform repairs are being carried out.

IV. Discussion of the Rule

This rule establishes a safety zone on October 2, 2020 until approximately November 2, 2020 or until repairs are complete. The safety zone will encompass all navigable waters within 100-yards radius of the platform located at approximately 29 27.000N, 089 17.682W. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the platform is being repaired. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or 67 or by telephone at (504) 365–2200. Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative. The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size and duration of the temporary safety zone. This safety zone will restrict vessel traffic from entering or remaining within a 100-yard radial section of Breton Sound for approximately one month while an environmental response activity, repairs to a damaged platform, occurs. Moreover, the Coast Guard will issue a BNMs via VHF–FM marine channel 16 about the zone, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for

compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting approximately one month in duration that will prohibit entry within 100-yard radius of the platform located at approximately 29 27.000N, 089 17.682W. It is categorically excluded from further review under paragraph L[60a] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–0612 to read as follows:

§ 165.T08-0612 Safety Zone; Environmental Response, Breton Sound, LA.

(a) *Location.* The following area is a safety zone: All navigable waters within a 100-yard radius of 29 27.000N, 089 17.682W in Breton Sound, LA.

(b) *Effective period.* This section is effective without actual notice from October 22, 2020 until November 2, 2020. For the purposes of enforcement, actual notice will be used from October 2, 2020 until October 22, 2020.

(c) *Enforcement periods.* This section will be enforced from October 2, 2020 until approximately November 2, 2020.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into or remaining within this zone is prohibited unless authorized by the Captain of the Port Sector New Orleans (COTP) or designated representative.

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or 67 or by telephone at (504) 365–2200.

(3) Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(e) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: October 1, 2020.

W.E. Watson,

Captain, U.S. Coast Guard, Captain of the Port Sector New Orleans.

[FR Doc. 2020–22262 Filed 10–21–20; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2020–0095; FRL–10014–96–Region 4]

Air Plan Approval; Kentucky: Revisions to Jefferson County VOC Definition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision to the Jefferson County portion of the Kentucky SIP, submitted by the Commonwealth of Kentucky (Commonwealth), through the Energy and Environment Cabinet (Cabinet) on September 5, 2019. The revision was submitted by the Cabinet on behalf of

the Louisville Metro Air Pollution Control District (LMAPCD) and makes changes to the definition of ''Volatile Organic Compound'' (VOC). EPA is approving the changes amending the definition of VOC because the Commonwealth has demonstrated that the changes are consistent with the Clean Air Act (CAA or Act).

DATES: This rule is effective November 23, 2020.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2020–0095. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials can either be retrieved electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that, if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9088. Ms. Bell can also be reached via electronic mail at *bell.tiereny@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Tropospheric ozone, commonly known as smog, occurs when VOC and nitrogen oxides (NO_X) react in the atmosphere in the presence of sunlight. Because of the harmful health effects of ozone, EPA and state governments implement rules to limit the amount of certain VOC and NO_X that can be released into the atmosphere. VOC have different levels of reactivity; they do not react at the same speed or do not form ozone to the same extent. Section 302(s) of the CAA specifies that EPA has the authority to define the meaning of ''VOC,'' and hence, what compounds shall be treated as VOC for regulatory purposes.

EPA determines whether a given carbon compound has ''negligible'' reactivity by comparing the compound's reactivity to the reactivity of ethane. It is EPA's policy that compounds of carbon with negligible reactivity be excluded from the regulatory definition of VOC. *See* 42 FR 35314 (July 8, 1977), 70 FR 54046 (September 13, 2005). EPA lists these compounds in its regulations at 40 CFR 51.100(s) and excludes them from the definition of VOC. The chemicals on this list are often called ''negligibly reactive.'' EPA may periodically revise the list of negligibly reactive compounds to add or delete compounds.

II. Analysis of Commonwealth's Submission

EPA is approving the Commonwealth's SIP revision which amends the definition of ''Volatile Organic Compound (VOC)'' at section 1.84 in LMAPCD Regulation 1.02, *Definitions.*[1] This SIP revision removes an enumerated list of negligibly reactive compounds and incorporates by reference the list of negligibly reactive compounds in the definition of VOC at 40 CFR 51.100(s)(1) as of July 1, 2018, into a new subsection 1.84.1 to ensure that the definition of VOC for the Jefferson County portion of the Commonwealth's SIP is consistent with the most recent version of the federal definition.[2] As a result of this incorporation by reference, the SIP revision adds exclusions to the definition of VOC that were not previously in the Jefferson County portion of the Commonwealth's SIP.

This incorporation by reference has the effect of adding the following compounds to the list of negligibly reactive compounds: Trans-1,3,3,3-tetrafluoropropene; HCF_2OCF_2H (HFE–134); $HCF_2OCF_2OCF_2H$ (HFE–236cal2); $HCF_2OCF_2CF_2H$ (HFE–338pcc13); $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); trans 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane; cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz–Z). These compounds are excluded from the VOC definition on the basis that each of these compounds make a negligible contribution to tropospheric ozone formation. EPA approves the changes to the SIP will not interfere with attainment or maintenance of any national ambient air quality standard, reasonable further progress, or any other applicable requirement of the CAA, consistent with CAA section 110(l), because EPA has found the chemicals listed in 40 CFR 51.100(s)(1) to be negligibly reactive. This SIP revision also adds a new subsection 1.84.2 that includes instructions on how to access copies of the Code of Federal Regulations (CFR).

In a notice of proposed rulemaking (NPRM) published on July 6, 2020 (85 FR 40158), EPA proposed to approve the Commonwealth's September 5, 2019, SIP submission. The July 6, 2020, NPRM provides additional detail regarding the background and rationale for EPA's action. Comments on the July 6, 2020, NPRM were due on or before August 5, 2020. EPA received two non-adverse comments on July 22, 2020, and August 5, 2020. EPA has determined that these comments were irrelevant to the subject of the July 6, 2020, NPRM. These comments are publicly available at the EPA docket for this action under Docket Identification No. EPA–R04–OAR–2020–0095.

III. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference LMAPCD Regulation 1.02, *Definitions,* version 15, state-effective June 19, 2019, which makes changes to the definition of Volatile Organic Compound by referencing the Federal list of negligibly reactive compounds and including instructions on how to access the CFR. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[3]

[1] On September 5, 2019, the Commonwealth submitted other SIP revisions which will be addressed in separate actions.

[2] EPA approved revisions to the Jefferson County portion of the Kentucky SIP on July 25, 2019. *See* 84 FR 35828.

[3] *See* 62 FR 27968 (May 22, 1997).

IV. Final Action

EPA is approving Kentucky's September 5, 2019, SIP submission, which revises the definition of ''Volatile Organic Compound (VOC)'' at subsection 1.84.1 in LMAPCD Regulation 1.02, *Definitions,* by adding: Trans-1,3,3,3-tetrafluoropropene; HCF_2OCF_2H (HFE–134); $HCF_2OCF_2OCF_2H$ (HFE–236cal2); $HCF_2OCF_2CF_2H$ (HFE–338pcc13); $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); trans 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane; cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz–Z) to the list of organic compounds having negligible photochemical reactivity. EPA is also finalizing the addition of a new subsection 1.84.2 that includes instructions on how to access copies of the CFR.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. This action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 21, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2) of the CAA.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 30, 2020.

Mary Walker,

Regional Administrator, Region 4.

For the reasons stated in the preamble, the 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart S—Kentucky

■ 2. Section 52.920(c), Table 2, is amended under ''Reg 1—General Provisions'' by revising the entry for ''1.02'' to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

TABLE 2—EPA-APPROVED JEFFERSON COUNTY REGULATIONS FOR KENTUCKY

Reg	Title/subject	EPA approval date	**Federal Register** notice	District effective date	Explanation
Reg 1—General Provisions					
*	*	*	*	*	*
1.02	Definitions	10/22/2020	[Insert citation of publication]	6/19/2019	

TABLE 2—EPA-APPROVED JEFFERSON COUNTY REGULATIONS FOR KENTUCKY—Continued

Reg	Title/subject	EPA approval date	Federal Register notice	District effective date	Explanation
*	*	*	*	*	*

* * * * *

[FR Doc. 2020–22128 Filed 10–21–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2019–0281; FRL–10015–25]

Clofentezine; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of clofentezine in or on hop, dried cones. The Interregional Project Number 4 (IR–4) requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective October 22, 2020. Objections and requests for hearings must be received on or before December 21, 2020 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0281, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Acting Director, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2019–0281 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before December 21, 2020. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2019–0281, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of August 2, 2019 (84 FR 37818) (FRL–9996–78), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9E8752) by IR–4, Rutgers, the State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR 180.446 be amended by establishing a tolerance for residues of the insecticide clofentezine, 3,6-bis(2-chlorophenyl)-1,2,4,5-tetrazine, in or on hop, dried cones at 6 parts per million (ppm). That document referenced a summary of the petition prepared by Makhteshim Agan of North America (d/b/a ADAMA), the

registrant, which is available in docket number EPA–HQ–OPP–2019–0281 at *http://www.regulations.gov.* One comment was received on the notice of filing. EPA's response to the comment is discussed in Unit IV.C.

In accordance with section 408(d)(4)(a)(i), which permits the Agency to finalize a tolerance that varies from that sought by the petition, and based upon review of the data supporting the petition, EPA has established a tolerance for residues of clofentezine on hop, dried cones at 7 ppm, rather than 6 ppm as requested. The reason for this change is explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for clofentezine including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with clofentezine follows.

On May 29, 2019, EPA published in the **Federal Register** a final rule establishing tolerances for residues of clofentezine in or on guava based on the Agency's conclusion that aggregate exposure to clofentezine is safe for the general population, including infants and children. *See* 84 FR 24722 (FRL–9993–48) (EPA–HQ–OPP–2018–0275). EPA is incorporating the following portions of that document by reference here, as they have not changed in the Agency's current assessment: The cancer classification and conclusion that it is appropriate to assess cancer risk estimates using a linear low-dose extrapolation approach, and the conclusions about cumulative risk. Additionally, EPA is incorporating the assumptions for exposure assessment from the May 29, 2019, final rule, which have not changed except as explained in the following paragraphs.

EPA is incorporating most of the toxicological profile from the May 29, 2019, rule with the following amendments. Since that rule was issued, EPA has determined that a comparative thyroid assay (CTA) is needed. In the absence of the CTA, EPA has determined that the FQPA safety factor is retained (as a database uncertainty factor of 10X is applied for all exposure scenarios). Additionally, EPA has revised the dermal absorption factor for clofentezine from 10% to 2% based on additional data that have been submitted, reviewed and incorporated into the assessment. EPA is incorporating the points of departure from the June 14, 2016, **Federal Register** (81 FR 38604, FRL–9942–23) (EPA–HQ–OPP–2014–0749) which have not changed. However, the chronic reference dose and the chronic population adjusted dose have changed due to the inclusion of the database uncertainty factor. It should be noted that an acute dietary exposure and risk analysis was not performed since no toxicological effect was observed from acute (single) dose exposure via the dietary route that demonstrated evidence of toxicity attributable to a single dose for either the general population or for females 13–49 years of age.

EPA's dietary (food and drinking water) exposure assessments have been updated to include the additional exposure from the new use of clofentezine on hops. EPA conducted a partially refined chronic dietary (food and drinking water) exposure and risk assessment that incorporates average field trial residues, percent crop treated information that has been updated since the last assessment, and modelled drinking water estimated residues. The drinking water exposure is not impacted by the new use and thus has not changed since the last assessment from May 29, 2019.

An acute dietary endpoint (*i.e.,* single dose endpoint) for risk assessment was not identified in the toxicity database for the general U.S. population or any other subpopulation for clofentezine; therefore, an acute dietary exposure assessment was not conducted. Chronic dietary risks are below the Agency's level of concern (LOC) of 100% of the chronic population adjusted dose (cPAD); they are estimated to be 6% of the cPAD for all infants less than 1 year old, the group with the highest exposure.

There are no registered residential uses of clofentezine; therefore, the chronic aggregate risk assessment only includes dietary risk, which is not of concern. Because there is no short- or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the point of departure used to assess short- or intermediate-term risk), no further assessment of short- or intermediate-term risk is necessary. Thus, EPA relies on the chronic dietary risk assessment for the aggregate risk assessment.

Applying the Q_1* of 3.76×10^{-2} (mg/kg/day)$^{-1}$ to the exposure value results in a cancer risk estimate of 1.7×10^{-6} for adults 20–49 years old, the most highly exposed adult population subgroup. EPA generally considers cancer risks (expressed as the probability of an increased cancer case) in the range of 1 in 1 million (or 1×10^{-6}) or less to be negligible. The precision which can be assumed for cancer risk estimates is best described by rounding to the nearest integral order of magnitude on the logarithmic scale; for example, risks falling between 3×10^{-7} and 3×10^{-6} are expressed as risks in the range of 10^{-6}. Considering the precision with which cancer hazard can be estimated, the conservativeness of low-dose linear extrapolation, and the rounding procedure described above, cancer risk should generally not be assumed to exceed the benchmark level of concern of the range of 10^{-6} until the calculated risk exceeds approximately 3×10^{-6}. This is particularly the case where some conservatism is maintained in the exposure assessment. Although the clofentezine exposure assessment is partially refined, it retains significant conservatism in that field trial data and not market basket data is used in estimating exposure to existing uses as well as this new use. In addition, EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to clofentezine in drinking water. These assessments will not underestimate the exposure posed by clofentezine. Accordingly, EPA has concluded the aggregate cancer risk for all existing clofentezine uses and the new hops use in this action fall within the range of 1×10^{-6} and are thus negligible.

Therefore, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to clofentezine residues. More detailed information can be found in the documents entitled, ''Clofentezine. Human Health Risk Assessment to Support a Section 3 New Use on Hops,'' in docket ID, EPA–HQ–OPP–2019–0281 and ''Clofentezine. Human-Health Risk Assessment to Support a Section 3 New Uses on Guava,'' dated May 13, 2019, in docket ID, EPA–HQ–OPP–2018–0275.

IV. Other Considerations

A. Analytical Enforcement Methodology

An adequate analytical method (high-performance liquid chromatography (HPLC)) is available to enforce the tolerances for clofentezine in plant commodities. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex has not established MRLs for clofentezine on hop, dried cones.

C. Response to Comments

EPA received one comment requesting the EPA to establish specific pesticide tolerances for Cypermethrin, Pendimethalin and Chlorpyrifos for Crop Subgroup 4B (Leaf petioles subgroup) and Crop Subgroup 22B (Leaf petiole vegetable subgroup), as well as to name Celery and Celery Leaves (Fresh and dried) specifically as a represented commodity. This comment is unrelated to this docket and final rule and the comment does not meet the requirements for a pesticide tolerance petition that are set out in 40 CFR 180.7.

D. Revisions to Petitioned-for Tolerances

The Agency is establishing a tolerance for residues of clofentezine on hop, dried cones at 7 ppm, rather than 6 ppm as requested. The 2016 storage stability data showed a decline in storage stability, but the 2018 data did not. Therefore, only the five field trials from the 2018 data were used to establish the tolerance.

V. Conclusion

Therefore, tolerances are established for residues of clofentezine, 3,6-bis(2-chlorophenyl)-1,2,4,5-tetrazine, in or on Hop, dried cones at 7 parts per million (ppm).

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to petitions submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 16, 2020.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, the EPA amends 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.446, amend paragraph (a)(1) by adding to the table, in alphabetical order, the commodity ''Hop, dried cones'' to read as follows:

§ 180.446 Clofentezine; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * * * *	
Hop, dried cones	7
* * * * *	

* * * * *

[FR Doc. 2020–23400 Filed 10–21–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0291; FRL–10012–67]

Diquat; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of diquat in or on pea and bean, dry and shelled, except soybean, subgroup 6C. Syngenta Crop Protection, LLC requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective October 22, 2020. Objections and requests for hearings must be received on or before December 21, 2020, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0291, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2017–0291 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before December 21, 2020. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2017–0291, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of September 15, 2017 (82 FR 43354) (FRL–9965–43), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 7E8571) by Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the herbicide diquat in or on pea and bean, dry and shelled, except soybean, subgroup 6C at 0.08 parts per million (ppm). In the **Federal Register** of May 7, 2018 (83 FR 20008) (FRL–9976–34), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing a correction to the pesticide petition (PP 7E8571) by Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. The corrected petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the herbicide diquat in or on pea and bean, dry and shelled, except soybean, subgroup 6C at 0.9 parts per million (ppm). Both documents referenced a summary of the petition prepared by Syngenta, the registrant, which is available in the docket, *http://www.regulations.gov.* Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for diquat including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with diquat follows.

EPA conducted a human health risk assessment to evaluate the safety of the requested tolerances. *See* ''Diquat. Human Health Risk Assessment for the Establishment of a Tolerance without U.S. Registration for Residues in/on Crop Subgroup 6C Dried Shelled Pea and Bean (Except Soybean)'' (July 21, 2020), which is available in the docket established by this action, which is described under **ADDRESSES**. Locate and click on the hyperlink for docket ID number EPA–HQ–OPP–2017–0291. In that document, EPA evaluated the available hazard and exposure data to conduct dietary, residential, and aggregate assessment to determine risk to human health and refers back to the discussions of the hazard profile, residue chemistry database, and residential exposures contained in the previous human health risk assessment conducted for registration review, ''Diquat Dibromide: Draft Human Health Risk Assessment for Registration Review'' (Sept. 17, 2015) (''Registration Review RA''), which can be found in the docket EPA–HQ–OPP–2009–0846 and is included in this docket. Based on the discussion in the Registration Review RA, the Agency has determined that there is reliable data to support the use of a 1X margin of safety for the protection of infants and children.

While the acute dietary assessment was unrefined, using tolerance-level residues and 100% crop treated (PCT), the chronic dietary assessment was more refined and used anticipated-residue levels from magnitude of residue studies for crops irrigated with water treated with diquat in conjunction with estimates of percentage of crops irrigated. Default processing factors were also used in both the acute and chronic dietary analyses and both analyses incorporated the Office of Water's Maximum Contaminant Level (0.02 ppm) as a worst-case drinking water estimate due to domestic uses of diquat. EPA's aggregate exposure assessment incorporated the total dietary exposure, as well as exposure from residential sources, which is not impacted by the tolerance without U.S. registrations on pea and bean, dry and shelled, except soybean, subgroup 6C and thus has not changed since the Registration Review RA.

Acute aggregate dietary risks (food and water) are below the Agency's level of concern of 100% of the acute population adjusted dose: 1.4% of the aPAD for children 1 to 2 years old, the population group receiving the greatest exposure. Chronic dietary risks are below the Agency's level of concern of 100% of the chronic population adjusted dose (cPAD): 41% of the cPAD for children 1 to 2 years old the population group receiving the greatest exposure. For the short-/intermediate-term aggregate risk assessment, potential residential exposures were combined with dietary exposures. For both adults and children 1 to <2, exposures from high-contact activities on outdoor treated turf resulted in the highest residential exposures for aggregate consideration. Short-/intermediate-term aggregate margins of exposure (MOEs) are greater than the LOC of 100 (2,010 for adults and 280 for children 1 to 2 years old) and are therefore not of concern. Due to the lack of carcinogenicity, the Agency concludes that exposure is not expected to pose a cancer risk to the U.S. population.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to diquat residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (analytical method number RAM 272/02 ''The Determination of Residues of Paraquat and Diquat in crops and Soil—A High Performance Liquid Chromatographic Method'') is available to enforce the tolerance expression.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has established an MRL for diquat in or on dry pea (subgroup) at 0.9 ppm. This MRL is the same as the tolerance established for diquat in this decision. However, Codex has established MRLs for diquat in or on dry bean (subgroup) at 0.4 ppm. Canada has established MRLs for both dry pea and dry bean at 0.9 ppm.

C. Response to Comments

Two general comments were received on the notices of filing expressing general concern about the potential of pesticide residues in food, although none provided any substantive information to take into consideration in EPA's safety assessment. The FFDCA authorizes EPA to establish tolerances that permit certain levels of pesticide residues in or on food when the Agency can determine that such residues are safe. EPA has made that determination for the tolerances subject to this action; commenters provided no information relevant to that conclusion.

V. Conclusion

Therefore, tolerances are established for residues of diquat in or on pea and bean, dry and shelled, except soybean, subgroup 6C at 0.9 ppm and the tolerance expression is being updated.

Also, in accordance with EPA's policy to update its tolerance expressions where applicable, EPA is revising the tolerance expression to clarify that (1) as provided in FFDCA section 408(a)(3), the tolerance covers metabolites and degradates of diquat not specifically mentioned; and (2) compliance with the specified tolerance levels is to be determined by measuring only the specific compounds mentioned in the tolerance expression. EPA has determined that it is reasonable to make this change final without prior proposal and opportunity for comment because public comment is not necessary since the change is merely intended to clarify the existing tolerance expression and has no substantive effect on the tolerance.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 16, 2020.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.226, amend paragraph (a)(1) by:

■ a. Revising the introductory text and adding a heading for the table; and

■ b. Adding in alphabetical order to the table the entry for ''Pea and bean, dry and shelled, except soybean, subgroup 6C'' and footnote 1.

The revision and additions read as follows:

§ 180.226 Diquat; tolerances for residues.

(a) * * *

(1) Tolerances are established for the residues of the herbicide diquat, including its metabolites and degradates, in or on the commodities in Table 1 to this paragraph (a)(1) resulting from the application of the dibromide salt of diquat. Compliance with the tolerance levels specified in Table 1 to this paragraph (a)(1) is to be determined by measuring only diquat (6,7-dihydrodipyrido[1,2-a:2′,1′-c]pyrazinediium):

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
* * * * * * *	
Pea and bean, dry and shelled, except soybean, subgroup 6C [1]	0.9
* * * * * * *	

[1] There are no U.S. registrations for these commodities as of October 22, 2020.

* * * * *

[FR Doc. 2020–22190 Filed 10–21–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2019–0169; FRL–10013–16]

Sulfuric Acid; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of sulfuric acid on hop vines when applied as a desiccant in the production of hops. J.R. Simplot Company submitted a petition to EPA under the Federal Food, Drug and Cosmetic Act (FFDCA), requesting an amendment to an existing requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of sulfuric acid.

DATES: This regulation is effective October 22, 2020. Objections and requests for hearings must be received on or before December 21, 2020 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0169, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Acting Director, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2019–0169 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before December 21, 2020. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2019–0169, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Background and Statutory Standard

In the **Federal Register** of May 8, 2020 (85 FR 27346) (FRL–1008–38), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 9F8742) by J.R. Simplot Company, P.O. Box 27, Boise, ID 83707. The petition requested that 40 CFR 180.1019 be amended by establishing an exemption from the requirement of a tolerance for residues of sulfuric acid in or on hop vines. That document referenced a summary of the petition prepared by the petitioner J.R. Simplot Company, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section

408(b)(2)(C), which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Available data indicate that sulfuric acid rapidly dissociates to non-toxic hydrogen ions and sulfate ions in the human body and the environment. For further information on sulfuric acid, see Mineral Acids Interim Decision and supporting risk assessment in docket ID number EPA–HQ–OPP–2008–0766.

Due to the lack of toxicity associated with any residues remaining in or on food, toxicological endpoints were not identified for dietary assessment, and a quantitative risk assessment using safety factors was not conducted. Based on reliable data that supports the lack of threshold effects, EPA has not retained the additional tenfold children's safety factor.

IV. Aggregate Exposures

In examining aggregate exposure, FFDCA section 408 directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

Based on the rapid dissociation of sulfuric acid in the environment to sulfate ion, which is not of toxicological concern, the Agency has determined that a quantitative aggregate exposure and risk assessment is not required for sulfuric acid. Sulfuric acid produces sulfate salts in the environment, many of which are designated by FDA as GRAS. So, there is no dietary, dermal or inhalation exposures of concern when used per label directions. Also, there are no conventional residential uses for sulfuric acid as a desiccant/herbicide reducing the potential for non-occupational exposure.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found sulfuric acid to share a common mechanism of toxicity with any other substances, and sulfuric acid does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that sulfuric acid does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

VI. Determination of Safety for U.S. Population, Infants and Children

Based on its assessment of sulfuric acid, EPA concludes that there is a reasonable certainty of no harm from aggregate exposure to residues of sulfuric acid. Accordingly, EPA finds that an exemption from the requirement of a tolerance for sulfuric acid when used as a desiccant in the production of hops will be safe.

VII. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

VIII. Conclusion

Therefore, an exemption is established for residues of sulfuric acid, when used as a desiccant in the production of hop vines.

IX. Statutory and Executive Order Reviews

This action establishes an exemption from the requirement of a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and

Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

X. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 22, 2020.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Amend § 180.1019 by revising paragraph (a) to read as follows:

§ 180.1019 Sulfuric acid; exemption from the requirement of a tolerance.

(a) Residues of sulfuric acid are exempted from the requirement of a tolerance when used in accordance with good agricultural practice when used as a herbicide in the production of garlic and onions, and as a vine desiccant in the production of potatoes and hops.

* * * * *

[FR Doc. 2020–22188 Filed 10–21–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R05–RCRA–2018–0376; FRL–10015–30–Region 5]

Indiana: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final authorization.

SUMMARY: The Environmental Protection Agency (EPA) is granting Indiana final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a proposed rule on May 6, 2020, and provided for public comment. No comments were received on the proposed revisions. No further opportunity for comment will be provided.

DATES: This final authorization is effective October 22, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R05–RCRA–2018–0376. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jean Gromnicki, Indiana Regulatory Specialist, U.S. EPA Region 5, LL–17J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6162, email *Gromnicki.jean@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. What changes to Indiana's hazardous waste program is EPA authorizing with this action?

On, January 23, 2020, Indiana submitted a complete program revision application seeking authorization of changes to its hazardous waste program in accordance with 40 CFR 271.21. EPA now makes a final decision that Indiana's hazardous waste program revisions that are being authorized are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. For a list of State rules being authorized with this final authorization, please see the proposed rule published in the May 6, 2020, **Federal Register** at 85 FR 26911.

B. What is codification and is EPA codifying the Indiana's hazardous waste program as authorized in this action?

Codification is the process of placing citations and references to the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. EPA is not codifying the authorization of Indiana's revisions at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart P, for the authorization of Indiana's program changes at a later date.

C. Statutory and Executive Order Reviews

This final authorization revises Indiana's authorized hazardous waste management program pursuant to Section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. For further information on how this authorization complies with applicable Executive orders and statutory provisions, please see the proposed rule published in the May 6, 2020, **Federal Register** at 85 FR 26911. The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This final action will be effective October 22, 2020.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties,

Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: October 2, 2020.

Kurt Thiede,

Regional Administrator, Region 5.

[FR Doc. 2020–22323 Filed 10–21–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 420

[RR85672000, 20XR0680A2, RX.31480001.0040000]

RIN 1006–AA57

Off-Road Vehicle Use

AGENCY: Bureau of Reclamation, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Reclamation (Reclamation) is amending its regulations to add a definition for electric bikes (E-bikes) and exclude E-bikes from the regulatory definition of an off-road vehicle where E-bikes are being used on roads and trails where mechanized, non-motorized use is allowed, where E-bikes are not propelled exclusively by a motorized source, and appropriate Reclamation Regional Directors expressly determine through a formal decision that E-bikes should be treated the same as non-motorized bicycles. This change facilitates increased E-bike use where other types of bicycles are allowed in a manner consistent with existing use of Reclamation land, and increases recreational opportunities for all Americans, especially those with physical limitations.

DATES: This rulemaking is effective November 23, 2020.

ADDRESSES: This final rule is available on the internet at *http://www.regulations.gov* and *http://www.usbr.gov/recreation/index.html.* Comments we received, as well as supporting documentation we used in preparing this final rule, are available for public inspection at *http://www.regulations.gov* in Docket ID: BOR–2020–0001.

FOR FURTHER INFORMATION CONTACT: Ryan Alcorn, Asset Management Division, Bureau of Reclamation, (303) 445–2711; *ralcorn@usbr.gov.*

SUPPLEMENTARY INFORMATION:

Background

On August 29, 2019, the Secretary of the Interior signed Secretarial Order 3376, *Increasing Recreation Opportunities Through the Use of Electric Bikes,* that directed Reclamation and other Department of the Interior (DOI) bureaus (Bureau of Land Management, National Park Service, and the U.S. Fish and Wildlife Service) to increase recreation opportunities and expand access on public lands. The Secretarial Order addressed regulatory uncertainty on how bureaus within DOI manage recreational opportunities for E-bikes on trails and paths where traditional bikes are allowed.

Uncertainty about the regulatory status of E-bikes had led some of DOI's land management bureaus to impose restrictive access policies treating E-bikes as motor vehicles, often inconsistent with State and local regulations for adjacent areas. The possibility that in some cases E-bikes can be propelled solely through power provided by the electric motor, a function often used in short duration as an assist, has contributed to confusion about E-bike classification. Further, Federal regulation has not been consistent across DOI and has created ambiguity among recreation area rules regarding trail and road access to E-bikes resulting in limited access to Federally owned lands by E-bike riders.

To provide consistency in Federal policy among DOI's bureaus, the Secretarial Order set forth the policy of DOI that E-bikes should be allowed where other, non-motorized types of bicycles are allowed, and not allowed where other, non-motorized types of bicycles are prohibited.

Summary of Final Rule

Reclamation was directed by the Secretarial Order to revise 43 CFR part 420 to add a definition of E-bikes and to generally treat E-bikes similarly to traditional, non-motorized bicycles. Continuing, it is further specified that E-bikes should be defined as having two or three wheels and fully operable pedals. The electric motor for an E-bike may not exceed 750 watts (one horsepower) and E-bikes must fall into one of three classes:

(a) ''Class 1 electric bicycle'' means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;

(b) ''Class 2 electric bicycle'' means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; and

(c) ''Class 3 electric bicycle'' means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

The rule therefore amends title 43 of the Code of Federal Regulations (CFR) by revising part 420 as follows:

(a) Section 420.5(a) is amended to include E-bikes that satisfy certain criteria in the specified exclusions to the definition of off-road vehicles.

(b) Section 420.5(h) is added to define electric bicycles to include the three classes of electric bicycles.

Reclamation expects these changes to the rule could facilitate increased E-bike ridership on Reclamation lands in the future. However, the rule would not be self-executing. The rule, in and of itself, does not change existing allowances for E-bike usage on Reclamation-administered public lands. It would neither allow E-bikes on roads and trails that are currently closed to off-road vehicles but open to mechanized, non-motorized bicycle use, nor affect the use of E-bikes and other motorized vehicles on roads and trails where off-road vehicle use is currently allowed. Furthermore, 43 CFR 420.5(a)(7) would allow Reclamation's Regional Directors to expressly determine, as part of a land-use planning or implementation-level decision, that E-bikes should be treated the same as non-motorized bicycles. While Reclamation intends for this rule to increase accessibility to public lands, E-bikes would not be given special access beyond what traditional, non-motorized bicycles are allowed. To address site-specific issues, Reclamation would consider the environmental impacts from the use of E-bikes through subsequent analysis in accordance with applicable legal requirements, including the National Environmental Policy Act of 1969 (NEPA).

Summary of and Response to Public Comments

Reclamation published a proposed rule in the **Federal Register** on April 13, 2020 (85 FR 20463) soliciting public comments for a 60-day period. The public comment period ended on June 12, 2020. During the public comment period, Reclamation received 705 comment submissions from members of the public including senior citizens, avid cyclists, hikers, equestrians and equestrian associations, industrial cycling organizations and manufacturers, as well as state and local

governments. Each public comment received consideration in the development of the final rule.

Comments received that are similar in nature have been categorized by subject, and in some instances have been combined with related comments. The following discussion addresses substantive information provided during the comment period, by topic, and includes comments and responses that were made in the final rule based on comment analysis and other considerations.

Comment: Before any existing, non-motorized trails could be opened to E-bikes, logic suggests a NEPA study should have to be completed.

Response: Lands managed by Reclamation vary significantly from region to region (*e.g.,* the environmental variability, potential user conflicts, amounts of visitation) making an overarching NEPA analysis infeasible. Addressing potential environmental and social issues are most meaningful at the site-specific level. Reclamation will consider the suitability of E-bike use on specific trails through subsequent analysis consistent with the requirements of NEPA and other applicable laws. The NEPA process and implementation will be conducted in accordance with 43 CFR 420.5(a)(7) whereby Reclamation's Regional Directors may expressly determine, as part of a land-use planning or implementation-level decision, that E-bikes should be treated the same as non-motorized bicycles. Implementation may also include the development of site-specific design features and mitigation strategies to reduce or negate potential adverse impacts.

Comment: A public review and comment period of at least 60 days should be provided for each proposed trail or trail system, and that comment period should be in a season when the area is accessible to people who want to examine the routes for themselves before submitting comments.

Response: Reclamation began its 60-day public comment period on April 13, 2020 and concluded on June 12, 2020. This period gave the public the opportunity to participate in the rulemaking process. Given the quantity of existing trails upon Reclamation lands, creating additional 60-day public comment periods for each proposed trail would be extremely costly and create a large administrative burden. Additionally, as local field and area offices will work with recreation area managing partners to make such determinations, the decision to add additional comment periods, if necessary, will remain at that level and at the discretion of the Regional Director.

Comment: Reclamation seeks to define relevant classifications of electric bicycles (''E-bikes'') and exclude E-bikes from DOI's regulatory definition of ''off-road vehicles,'' which are forbidden to be used in certain areas that are open to traditional bicyclists. Permitting the use of certain E-bikes in appropriate areas could indeed benefit many Americans who otherwise could not access certain lands. However, instead of clearly describing a widening of the permitted category of ''bicycles,'' the amendment offers clumsy, incohesive groupings of E-bikes. The proposed amendments may create arbitrary and capricious results.

Response: The definition of E-bikes included in this rule establishes a consistent definition for use across all DOI bureaus. The definition and associated classification system are based on industry standards and is the same system that many states are using to regulate E-bikes. DOI chose this system to be as consistent as possible with how E-bikes are being regulated.

Comment: The regulation fails to offer any policy rationale, and thus is both arbitrary and capricious and fails to allow commenters to properly respond to the agency's decision-making. The regulation simply states that ''E-bikes should be allowed where other, non-motorized types of bicycles are allowed.''

Response: Federal regulation of E-bikes has not been consistent across DOI. The purpose of this rulemaking is to unify regulation of E-bikes on Federal lands managed by DOI. Secretarial Order 3376 directs the Bureau of Land Management, U. S. Fish and Wildlife Service, National Park Service, and Reclamation to define E-bikes, and directs Reclamation to expressly exclude E-bikes from the definition of Off-Road Vehicles (ORV) in accordance with 43 CFR 420.5(a)(7) whereby Reclamation's Regional Directors may expressly determine, as part of a land-use planning or implementation-level decision, that E-bikes should be treated the same as non-motorized bicycles.

Comment: We support allowing only Class 1 E-bikes on narrow trails to better ensure trail integrity and appropriate speeds for safe interaction with other trail users. Class 2 and Class 3 E-bikes are not appropriate for these narrow non-motorized trails.

Response: Reclamation acknowledges comments that request the exclusion of Class 2 and Class 3 E-bikes from non-motorized trails. The rule provides Regional Directors or their delegates authority to determine whether E-bike use generally, or the use of certain classes of E-bikes, would be appropriate on certain roads or trails.

Comment: Omit three-wheeled E-bikes or provide a detailed description of the three-wheeled bikes and specific trail parameters on which they should be allowed. Three-wheeled bikes are closer to all-terrain vehicles and will have specific requirements for the trails unlike a two-wheeled E-bike.

Response: Reclamation acknowledges comments pertaining to omitting the use of three-wheeled E-bikes on non-motorized trails. The rule provides Regional Directors or their delegates the authority to determine whether E-bike use generally, or the use of certain classes of E-bikes, would be appropriate on certain roads or trails. Regional Directors may also determine whether the use of three-wheeled E-bikes are appropriate on certain roads or trails. In addition, keeping in line with industry standards, the term ''low-speed'' electric bicycles means two- or three-wheeled vehicle.

Comment: Reclamation should amend text within the proposed rule to allow all bicycle trails and routes to be open to E-bikes as well as motorized paths with improved surfaces.

Response: Reclamation believes that E-bikes would generally be appropriate on roads and trails upon which mechanized, non-motorized use is permitted, however there are certain instances where that may not be possible. Therefore, it is most appropriate to follow 43 CFR 420.5(a)(7) whereby Reclamation's Regional Director may expressly determine, as part of a land-use planning or implementation-level decision, that E-bikes should be treated the same as non-motorized bicycles. Additionally, E-bikes are currently allowed on many surfaced roads and motorized paths per state and local level discretion.

Comment: As Reclamation will be allowing E-bikes on non-motorized trails and trail systems, the addition of other ORVs should also be permitted.

Response: This final rule addresses only Class 1, 2, and 3 E-bikes. Reclamation will continue to manage all types of ORVs in accordance with 43 CFR 420.21, Procedure for Designating Areas for Off-Road Vehicle Use. No other types of ORVs will be eligible for exclusion under this rule.

Comment: Reclamation may wish to exclude hoverboards and other standing, electrical motorbikes, because these devices can also have ''pedals'' that do not engage the motor unless activated. Explicit exclusion of hoverboards and other motorized instruments may be required to avoid an issue.

Response: The intent of the rule is to generally allow E-bikes where a traditional bicycle is allowed. E-bikes may have two or three wheels and must have fully operable pedals. The electric motor for an E-bike may not exceed 750 watts (one horsepower). E-bikes must fall into one of three classes, as described in the rule. The definition provided in the rule, including the requirement for fully operational pedals, is sufficient to allow use of E-bikes and does not apply to other electric vehicles such as scooters, skateboards, or hoverboards if they do not fit into the definition established by this rule.

Comment: Definitions of Class 1, 2, and 3 E-bikes will need to be reassessed and updated to reflect improvement in technologies as it becomes available.

Response: Reclamation acknowledges that future changes in technology may result in some E-bikes not being eligible for exclusion from the definition of ORV as defined in 43 CFR part 420 if they do not fit into the definition established by this rule. Regional Directors may allow the use of certain ORVs on designated routes and trails without any necessary revisions to the regulations as part of 43 CFR 420.21, Procedure for Designation Areas for Off-road Vehicle Use.

Comment: Previous grants that put monies into non-motorized trails, will now have spent their money on trails that are no longer non-motorized. E-bikes would also create issues with further Federal trail funding.

Response: Reclamation recognizes that funding commitments for trail planning, construction, and maintenance must be considered. The use of funds from grants and other funding sources for past, present, and future trail projects will be a contributing factor in making management determinations. Title 43 CFR part 420 gives Regional Directors authority in making management determinations.

Comment: The implementation of the proposed rule will negatively impact natural resources and wildlife.

Response: Future implementation of the rule will be subject to the NEPA process on a case-by-case basis depending on the approach at Reclamation's Regional and Area Office levels. Applying the NEPA process at a site-specific level will allow Reclamation to evaluate detailed information on the potential effects of E-bike use for a particular area and develop site-specific design features and mitigation strategies, if needed. In addition, the rule continues to allow the flexibility in accordance with 43 CFR 420.5(a)(7) whereby Reclamation's Regional Directors may expressly determine, as part of a land-use planning or implementation-level decision, that E-bikes should be treated the same as non-motorized bicycles and to review designated areas and trails periodically for unmitigated resource damage.

Comment: The use of E-bikes on non-motorized trails will create user conflicts and safety concerns for hikers, traditional bikers, and equestrians.

Response: Reclamation acknowledges concerns regarding potential user conflicts and safety concerns on trails that have previously been designated for non-motorized use such as hiking and equestrian trails. As such, the rule allows the flexibility in accordance with 43 CFR 420.5(a)(7) whereby Reclamation's Regional Directors may expressly determine, as part of a land-use planning or implementation-level decision, that E-bikes should be treated the same as non-motorized bicycles and will not create unmitigated user conflicts.

Comment: Based on the three categories of E-bikes as defined in the rule, it will be impossible to enforce that E-bikes are not modified beyond these specifications.

Response: Illegal modification of E-bikes is beyond the scope of this rulemaking process. Reclamation acknowledges that enforcement of modified vehicles is difficult. However, modifications that result in such vehicles no longer qualifying as a Class 1, 2, or 3 E-bike as defined in the rule, result in that vehicle being subject to the same enforcement as designated in 43 CFR 420.4.

Comment: E-bikes have a motor and therefore should not be allowed on non-motorized trails and roads.

Response: Reclamation recognizes the nuance within the comments related to E-bikes having a motor, and therefore should not be allowed on non-motorized trails and roads. In making its decision Reclamation took into consideration the 1972 Executive Order 11644 and the amended 1977 Executive Order 11989, ''Use of Off-Road Vehicles on the Public Lands'' which established policies and procedures for managing the use of ''off-road vehicles'' to protect the resources of the public lands, promote safety of all users of the lands, and minimize conflicts among users. The Executive order, which does not reference E-bikes, defines ''off road vehicles'' as any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain. Certain vehicles are expressly exempt from this definition and additional exemptions may be made by the respective agency head or as is 43 CFR part 420 by Regional Directors.

In addition, although the E-bikes addressed in this rule have a small electric motor, there are multiple reasons why it is reasonable for Regional Directors to maintain the authority to manage Class 1, 2, and 3 E-bikes in the same manner as non-motorized bicycles.

Class 1, 2, and 3 E-bikes that are the subject of this rule differ significantly in their engineering from the types of motorized vehicles that are expressly referenced in Executive Order 11644 and that the executive branch was interested in regulating. These vehicles include the ''motorcycles, minibikes, trail bikes, snowmobiles, dune-buggies, [and] all-terrain vehicles'' expressly referenced in Executive Order 11644 and the ''motorcycles of various sorts (minibikes, dirt bikes, enduros, motocross bikes, for example), four-wheel drive vehicles such as Jeeps, Land Rovers, or pickups, snowmobiles, dune buggies, and all-terrain vehicles'' discussed in a 1979 report by the Council on Environmental Quality (CEQ) that discusses the requirements of the Executive Order in great detail and evaluates efforts undertaken by Federal land management agencies to comply with its requirements. Although these lists were not intended to include every type of vehicle that may fall within the Executive order's definition of off-road vehicle, it is telling that all of the vehicles identified in Executive Order 11644 and the CEQ report differ markedly from E-bikes that may be excluded from the definition of ORV under this rule. Whereas the vehicles referenced in the Executive order are powered by internal combustion engines that produce more than 1 horsepower, the E-bikes that may be allowed on non-motorized trails under this rule rely on human power and only derive some assistance from a small, electric motor. Whereas the E-bikes that are the subject of this rule have operable pedals, the ORVs expressly referenced in the Executive order do not.

As a result of those engineering differences, E-bikes tend to have impacts that are similar to traditional, non-motorized bicycles and unlike those that result from the larger, more powerful vehicles that Executive Order 11644 was intended to mitigate.

Lastly, 43 CFR part 420 has always allowed for the inclusion of ORVs where Regional Directors have authorized the use, this rule is not authorizing the opening of all trails and roads to E-bikes. The intended purpose is to meet public demand for E-bike use

and creating opportunities for furthering recreation through the use of E-bikes where it is deemed appropriate.

Comment: Some commenters stated that E-bikes would be incompatible on non-motorized trail networks that were constructed with grant funding from the Recreational Trails Program and other Federal funding sources. Some commenters stated that E-bike use might impact future trail funding from Federal programs such as the Land and Water Conservation Fund.

Response: Class 1, 2, or 3 E-bike use may be inappropriate on certain roads and trails that were constructed or are maintained using funding sources which may prohibit or be inconsistent with motorized use, such as the Recreational Trails Program and other Federal funding sources authorized by Title 23, Chapter 2 of the United States Code. Reclamation has designed the rule to provide Regional Directors with the ability to consider whether E-bike use is consistent with potential funding sources when determining which roads and trails to allow E-bike use. Regional Directors will take these and other types of site-specific consideration into account when making future planning or implementation-level decisions concerning E-bike use.

Comment: The opening of trails to E-bikes on Government managed lands will make it easier for people with physical impairments to enjoy trails again.

Response: The intention of the Secretarial Order 3376, *Increasing Recreational Opportunities through the Use of Electric Bikes,* was written for this very reason. Reclamation understands that there are members of the public that may be unable to utilize public trails and roads by means of biking due to physical limitations and impairments. It is important to note that while the purpose is to expand recreational opportunities by allowing E-bikes on trails, 43 CFR part 420 will continue to authorize Regional Directors and their delegates authority to open or close the use of E-bikes on certain trails. This decision will remain at the local level and follow the framework of 43 CFR part 420.

Comment: The new rule provides much needed category guidelines for public safety officers as well as a new degree of local level decision making for E-bikes.

Response: The current category classes of E-bikes is a widely used model across the United States. While Reclamation did not create the classes, we do recognize the importance of maintaining a clear and consistent message to aid not only public safety officers, but also the general public. Additionally, due to the unique characteristics of each recreation area, Reclamation also agrees that maintaining local level decision making is vital in successfully implementing the Secretarial Order. In accordance with 43 CFR 420.5(a)(7), Reclamation's Regional Directors may expressly determine, as part of a land-use planning or implementation-level decision, that E-bikes should be treated the same as non-motorized bicycles.

Comment: Federal Laws concerning E-bike use on public lands are currently outdated and are confusing for consumers, small businesses and local governments. This proposed rule fixes that.

Response: Reclamation's final rule is not changing any existing Federal Laws but rather aligning with other land management bureaus within DOI and other Federal Agencies. The Secretarial Order has intended to increase recreational opportunities through the use of E-bikes by establishing uniform rules across DOI. Reclamation's authority to use discretion when opening and closing areas to the use of E-bikes will not be affected by the rule. In accordance with 43 CFR 420.5(a)(7), Reclamation's Regional Directors may expressly determine, as part of a land-use planning or implementation-level decision, that E-bikes should be treated the same as non-motorized bicycles.

Summary of Changes From the Proposed Rule

After taking the public comments into consideration and after additional review, Reclamation has made the decision to not revise 43 CFR 420.21, but rather add language to 43 CFR 420.5(a)(7) to allow Reclamation's Regional Directors to expressly determine, as part of a land-use planning or implementation-level decision, that E-bikes should be treated the same as non-motorized bicycles. Additionally, Reclamation made small, non-substantive stylistic, formatting, and structural changes to better serve the reader.

Compliance With Other Laws, Executive Orders, and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

This rule is not an Executive Order 13771 regulatory action because it is not significant under Executive Order 12866.

Regulatory Flexibility Act

DOI certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act (UMRA)

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. This rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

Takings (Executive Order 12630)

This rule does not affect a taking of private property or otherwise have

taking implications under Executive Order 12630. This rule is not a Government action capable of interfering with constitutionally protected property rights. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. It does not have a substantial direct effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the levels of government. A federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (Executive Order 13175)

Under the criteria in Executive Order 13175, we have evaluated this rule and determined that it has no potential effects on federally recognized Indian tribes. This rule does not have tribal implications that impose substantial direct compliance costs on Indian Tribal governments.

Paperwork Reduction Act of 1995

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not required.

National Environmental Policy Act

This rule is categorically excluded from the National Environmental Policy Act of 1969 analysis under DOI categorical exclusion, 43 CFR 46.210(i), which covers policies, directives, regulations, and guidelines: That are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively, or case-by-case. This rule would not change the existing allowances for E-bike usage on Reclamation lands. Rather, it adds a new definition for E-bikes and directs Reclamation to specifically address E-bike usage in future recreation and land-use decisions. The categorical exclusion is appropriate and applicable because the rule is for an administrative change and the environmental effects of the rule in future land use and implementation-level decisions to open or close lands are too speculative to lend themselves to meaningful analysis in this rulemaking. The environmental consequences of these decisions will be subject to the NEPA process before a land use decision is made to ensure the appropriate management of resources on a case-by-case basis.

Pursuant to 43 CFR 46.205(c), Reclamation has reviewed its reliance upon this categorical exclusion against the list of extraordinary circumstances, at 43 CFR 46.215, and has found that none are applicable for this rule. Therefore, neither an environmental assessment nor an environmental impact statement is required for this rulemaking.

Effects on the Energy Supply (Executive Order 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required. This rule will not have a significant effect on the Nation's energy supply, distribution, or use.

Drafting Information

This final rule reflects the collective efforts of Reclamation staff in the Asset Management Division under the Dam Safety and Infrastructure Directorate, and in coordination with staff of the Bureau of Land Management, National Park Service, U. S. Fish and Wildlife Service, as well as with assistance from DOI's Office of the Solicitor.

References

A complete list of all resources reviewed and considered during the development of this rulemaking is available at *http://www.regulations.gov* at Docket No. BOR–2020–0001.

List of Subjects in 43 CFR Part 420

E-bikes, Recreation.

For the reasons stated in the preamble, Reclamation is amending part 420 of title 43 of the Code of Federal Regulations as follows:

PART 420—OFF-ROAD VEHICLE USE

■ 1. The authority citation for part 420 continues to read as follows:

Authority: 32 Stat. 388 (43 U.S.C. 391 *et seq.*) and acts amendatory thereof and supplementary thereto; E.O. 11644 (37 FR 2877).

■ 2. Amend § 420.5 by revising paragraph (a) and adding paragraph (h) to read as follows:

§ 420.5 Definitions.

* * * * *

(a) *Off-road vehicle* means any motorized vehicle (including standard automobile) designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or natural terrain. The term includes:

(1) Nonamphibious registered motorboats;

(2) Military, fire, emergency, or law enforcement vehicles when used for emergency purpose;

(3) Self-propelled lawnmowers, snowblowers, garden or lawn tractors, and golf carts while being used for their designed purpose;

(4) Agricultural, timbering, construction, exploratory, and development equipment and vehicles while being used exclusively as authorized by permit, lease, license, agreement, or contract with the Bureau;

(5) Any combat or combat support vehicle when used in times of national defense emergencies;

(6) ''Official use'' vehicles; and

(7) Electric bikes as defined by paragraph (h) of this section: While being used on roads and trails upon which mechanized, non-motorized use is allowed, that are not being used in a manner where the motor is being used exclusively to propel the E-bike for an extended period of time, and where the Regional Director has expressly determined, as part of a land-use planning or implementation-level decision, that E-bikes should be treated the same as non-motorized bicycles.

* * * * *

(h) *Electric bicycle* (also known as an E-bike) means a two- or three-wheeled cycle with fully operable pedals and an electric motor of not more than 750 watts (1 horsepower) that meets the requirements of one of the following three classes:

(1) *Class 1 electric bicycle* means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(2) *Class 2 electric bicycle* means an electric bicycle equipped with a motor

that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(3) *Class 3 electric bicycle* means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

Timothy R. Petty,

Assistant Secretary—Water and Science.

[FR Doc. 2020–22108 Filed 10–21–20; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 310

[Docket No. MARAD–2020–0142]

RIN 2133–AB92

Admission and Training of Midshipmen at the United States Merchant Marine Academy; Amendment Providing an Emergency Waiver for Scholastic Requirements

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Interim final rule; request for comments.

SUMMARY: This interim final rule amends Maritime Administration (MARAD) regulations governing admission to the United States Merchant Marine Academy (USMMA). These amendments allow the MARAD Administrator to waive the requirement for USMMA applicants to have taken the College Board's Scholastic Aptitude Test (SAT) or the American College Testing Program (ACT) examination in the event of a State or national emergency. The ability to waive SAT and ACT requirements for prospective students is necessary to address testing disruptions caused by the coronavirus disease 2019 (COVID–19) public health emergency.

DATES: This interim final rule is effective October 22, 2020. Comments on this interim final rule must be received on or before November 23, 2020.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search using docket number MARAD–2020–0142. Follow the online instructions for submitting comments.
- *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Management Facility, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9322 before coming.

Regardless of how you submit your comments, please be sure to identify your submission by including the docket number.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation section below.

Note: All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading under Rulemaking Notices and Analyses regarding documents submitted to the Agency's dockets.

Docket: For access to the online docket to read background documents or comments received, go to *http://www.regulations.gov* and search ''MARAD–2020–0142.''

FOR FURTHER INFORMATION CONTACT: Mitch Hudson, Office of the Chief Counsel, at (202) 366–9373 or *Mitch.Hudson@dot.gov.* The mailing address for the Maritime Administration, Office of the Chief Counsel is 1200 New Jersey Avenue SW, Washington, DC 20590.

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I. Executive Summary

Institutions of higher education across the Nation have been severely impacted by the coronavirus disease 2019 (COVID–19) public health emergency, which has not only required them to adapt teaching methods and practices, but also admissions processes and criteria. USMMA is only one institution among the many faced with the dilemma of how to ensure the selection of qualified candidates given the current situation. The USMMA admissions policy is currently governed by 46 CFR 310.55—*Scholastic requirements,* which provides in subsection (b)(1) that ''[a]pplicants shall qualify in either the College Board's Scholastic Aptitude Tests (SAT) or the American College Testing Program (ACT) examinations, administered nationally on scheduled dates at convenient testing centers.'' Subsection (d) further provides that ''[n]o waivers of scholastic requirements will be granted.''

Due to the COVID–19 public health emergency, student access to test centers and the opportunity to take the SAT and ACT have been greatly reduced in the United States. Requiring SAT or ACT test scores from students in this admissions cycle by strictly adhering to the regulation as currently written will significantly affect the application process, selection, and appointment of prospective candidates, and may negatively impact enrollment numbers for the Class of 2025 at USMMA.

This interim final rule responds to an emergency waiver request submitted by USMMA seeking a revision to its governing regulations that would provide for a waiver of the scholastic requirements in an emergency situation. After considering the issues raised in the USMMA request, the Agency agrees that the unprecedented disruptions caused by the public health emergency make compliance by prospective candidates with the regulations as presently styled impracticable and warrant appropriate regulatory relief. Accordingly, MARAD is revising the regulations to give the MARAD Administrator the ability to issue a waiver of the scholastic requirements in the event of a State or national emergency that significantly limits the ability of applicants to take either the SAT or ACT. To ensure the proper implementation of this revision, MARAD is seeking comments on the USMMA request and the Agency's Interim Final Rule.

II. Background

USMMA operates on a rolling admissions cycle. The cycle for the future Class of 2025 began on May 1, 2020 when applications were first accepted. Each candidate must first obtain a Congressional nomination to receive an appointment to the Academy. The nomination process is independent from the application process; each member of Congress decides what requirements they deem appropriate. However, many members of Congress take into consideration a candidate's standardized test scores. Therefore, the lack of ACT/SAT standardized testing

availability could prevent candidates from even receiving a nomination.

An application is considered complete when all required documents are submitted, the required standardized test scores are received, and the Candidate Fitness Assessment has been passed. USMMA's current deadline for applications is February 1, 2021. After February 1, USMMA will review applications for completeness, evaluate candidates, and make selections. Only then will candidates be offered an appointment. The process will end when the candidate submits acceptance of the offer in late Spring.

As of September 1, 2020, USMMA had received over 700 applications, with a majority not including ACT or SAT scores. According to the ACT website, there will be continued limitations in test center capacity and inevitable cancellations throughout the remainder of the 2020–2021 test dates.[1] The College Board, which administers the SAT, also reports that a substantial number students who register have been unable to take the test as a result of testing center closure or reduction in capacity due to COVID–19 mitigation measures.[2] This is on top of the College Board cancelling SAT administrations from March through May.[3] As the USMMA admissions process advances into Fall, it is unclear whether applicants will be afforded the opportunity to take the SAT or ACT exam. The deadline for completed applications for USMMA Class of 2025 candidates is February 1, 2021 and therefore, students who are unable to take the SAT or ACT until 2021 may not be able to complete their applications in time for this deadline. Even if the February 1, 2021 deadline were to be postponed and if the public health emergency were to wane sufficiently in the Spring of 2021 to allow the re-opening of test centers, there may still be problems with requiring SAT and ACT test scores for all applicants in this admissions cycle. Test sites may be faced with issues of capacity in Spring of 2021, as they would need to test all students whose testing was postponed due to COVID–19 plus all future high school graduates who will require scores for college entrance in 2022.

III. Agency Response

After considering the information provided in the request, evaluating the risks posed to maintaining a vibrant and qualified merchant marine, and assessing the ongoing hardships stemming from the public health emergency, the Agency has decided that there exists a need to add flexibility to MARAD's regulations governing USMMA admissions by giving the MARAD Administrator the ability to waive SAT and ACT testing requirements in emergency situations.

The College Board states that this year, many schools and test centers will have reduced capacity because of social distancing guidelines and may encounter unexpected closures.[4] ACT rescheduled its April national and international tests in response to concerns about the spread of the coronavirus.[5] All students registered for April 2020 test dates were notified of the postponement with instructions for rescheduling to future test dates.[6] Both the ACT and SAT websites currently show many postponed/cancelled exams across the 50 States. These exams are conducted in high schools and other public buildings, some of which are not yet re-opened and many of which when re-opened have reduced capacity.

The SAT and ACT are typically taken in the Spring, but due to the COVID–19 public health emergency, Spring test dates in 2020 were canceled and rescheduled for the Summer or Fall. As of September 2020, there are continued limitations in test center capacity, and there are likely to be additional cancellations throughout the remainder of the 2020–2021 test dates. The decision on whether a test center closes rests largely within a State's own discretion, based on guidelines set forth by the Centers for Disease Control and Prevention. Simply stated, the availability of testing this year is highly unpredictable.

In response, many colleges and universities have now resorted to making the SAT/ACT test optional for admissions. More than 60% of 4-year colleges and universities in the U.S. will not require applicants to submit ACT or SAT scores for Fall 2021 admission.[7] All of the Federal service academies are confronted with this situation brought on by the COVID–19 public health emergency, and none have reached a conclusive answer on how to address admissions standards and criteria effectively. United States Air Force Academy (USAFA), United States Military Academy (USMA) and United States Naval Academy (USNA) are considering the waiver of their own requirements for standardized tests from applicants.

Based on the foregoing, MARAD concludes that there is a need to revise its regulations governing USMMA scholastic requirements by giving the MARAD Administrator the ability to waive SAT and ACT testing requirements for USMMA applicants in emergency situations. Due to forces beyond the control of prospective students, the uniform availability of standardized testing is not possible, and therefore, the strict requirement to include such test scores is detrimental to USMMA's ability to offer admission to worthy student candidates.

IV. Comments and Immediate Effective Date

Because the student application dates are fast approaching, MARAD finds good cause to issue this interim final rule providing an exemption to the scholastic requirements. There is good cause to make this rule effective immediately so as to provide needed relief to prospective students due to the effects of the COVID–19 public health emergency. Pursuant to DOT's regulation on rulemaking procedures, 49 CFR 5.13(j)(2), MARAD seeks to replace this interim final rule with a final rule, which may differ from today's rule in response to comments received. Accordingly, MARAD is accepting comments on this interim final rule. The Agency is seeking comments on whether the emergency waiver for scholastic requirements is appropriate under the circumstances. In particular, MARAD is interested in information

[1] Rescheduled Test Centers. (September 19, 2020). *www.ACT.org.* Retrieved September 22, 2020, from *https://www.act.org/content/act/en/products-and-services/the-act/test-day/rescheduled-test-centers.html.*

[2] What to Know Before the September and October SAT Administration, (September 22, 2020). *www.collegeboard.org. https://www.collegeboard.org/releases/2020/what-to-know-sept-oct-sat-admins.*

[3] College Board Cancels May SAT in Response to Coronavirus, (March 16, 2020), *www.collegeboard.org, https://www.collegeboard.org/releases/2020/college-board-cancels-may-sat-response-coronavirus.*

[4] *College Board Asks Colleges to Show Flexibility in Admissions This Year to Reduce Stress for Students, Citing Challenges in Providing Universal Access to the SAT During the Coronavirus Pandemic.* (2020, June 2). *www.College Board.org.* Retrieved September 22, 2020 from *https://www.collegeboard.org/releases/2020/cb-asks-colleges-show-flexibility-admissions-reduce-stress-students-challenges-universal-access-sat-coronavirus-pandemic?fbclid=IwAR3SbHTa4VIKpryc95KqFDeOTnCktwy0q4NOlcd8StS3Wrx1Bj6MOzFkAy0.*

[5] *ACT Reschedules April 2020 National ACT Test Date to June.* (2020, March 16). ACT News Room and Blog. Retrieved September 22, 2020 from *https://leadershipblog.act.org/2020/03/act-reschedules-april-2020-national-act.html.*

[6] *Id.*

[7] *Three-Fifths of Four-Year Colleges and Universities Are Test-Optional for Fall 2021 Admission; Total of Schools Not Requiring ACT/SAT Exceeds 1,450.* (2020, August 12). *www.fairtest.org* Retrieved September 22, 2020 from *https://www.fairtest.org/threefifths-fouryear-colleges-and-universities-are.*

concerning whether any other steps could be taken to ensure that all qualified candidates for admission may overcome any regulatory obstacles to admission. Given the narrow focus of this rule and its near-term effects, the Agency has provided an expedited comment period, which the Agency believes will allow commenters sufficient time to address the issues in this rule. See ''Public Participation'' section below.

The Agency is issuing this interim final rule without prior notice and the opportunity for public comment and the 30-day delayed effective date ordinarily prescribed by the Administrative Procedure Act (APA). Pursuant to section 553(b)(B) of the APA, general notice and the opportunity for public comment are not required with respect to a rulemaking when an ''agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' As discussed above in this document, the intent of this action is to provide relief to prospective student candidates for admission to USMMA who, due to the COVID–19 public health emergency, are finding it either impossible or impractical to sit for the SAT or ACT standardized tests. Since dates for submitting admission applications are imminent, the Agency finds it impracticable to seek public comment prior to the effective date of the rule. MARAD seeks to issue this rule to provide relief before it is too late for applicants to be apprised of an emergency waiver to the scholastic requirements and to take action accordingly.

Though this interim final rule is effective immediately, comments are solicited from interested members of the public on all aspects of the interim final rule. These comments must be submitted on or before the date indicated in the **DATES** section at the beginning of this document. MARAD will consider these comments in deciding any next steps following this interim final rule.

V. Regulatory Analyses and Notices

a. Executive Orders 12866, 13563, 13771 and DOT Rulemaking Procedures

Executive Order (E.O.) 12866, E.O. 13563, and the Department of Transportation's administrative rulemaking procedures set forth in 49 CFR part 5, subpart B, provide for determining whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of E.O. 12866.

Today's interim final rule is not significant and has not been reviewed by OMB under E.O. 12866. This rule is limited to giving the MARAD Administrator the ability to waive the regulatory requirement to include SAT or ACT scores for admission to USMMA in emergency situations. This rule does not actually waive any regulatory requirements.[8] Therefore, this rule does not result in any costs or benefits.

Executive Order 13771, titled ''Reducing Regulation and Controlling Regulatory Costs,'' directs that, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed. In addition, any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs. Only those rules deemed significant under section 3(f) of Executive Order 12866, ''Regulatory Planning and Review,'' are subject to these requirements. Per OMB Memo M–17–21, E.O. 13771 applies to a rulemaking action that is ''a significant regulatory action as defined in Section 3(f) of E.O. 12866 that has been finalized and that imposes total costs greater than zero.'' As discussed above, this rule adds flexibility to MARAD's regulations by giving the MARAD Administrator the ability to waive SAT/ACT testing requirements in emergency situations. Accordingly, this action is a deregulatory rule under Executive Order 13771. However, this action does not result in any quantified cost savings because it does not actually waive any regulatory requirements.

b. Executive Order 13924

On May 19, 2020, the President issued E.O. 13924, ''Regulatory Relief to Support Economic Recovery,'' as part of the country's ongoing recovery effort to the national COVID–19 public health emergency. The Order directs agencies to address the current economic emergency by using to the fullest extent possible any available emergency authorities to support the economic response to the COVID–19 public health emergency. It also directs agencies to provide relief through rescinding, modifying, waiving, or providing exemptions from regulations and other requirements that may inhibit economic recovery or by issuing new proposed rules as necessary. This interim final rule is consistent with E.O. 13924 by providing prospective candidates for admission to USMMA adversely affected by the inability to take the SAT or ACT caused by the national health emergency the opportunity to apply for and to be considered for admission.

c. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (RFA), MARAD has considered the impacts of this rulemaking action on small entities (5 U.S.C. 601 *et seq.*). Rules that are exempt from notice and comment are also exempt from the RFA requirements, including conducting a regulatory flexibility analysis, when among other things the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. *See* 5 U.S.C. 603(a). Because, as discussed above, this rule is exempt from the APA notice and comment requirements, MARAD is not required to conduct a regulatory flexibility analysis.

d. Executive Order 13132, Federalism

MARAD has examined today's interim final rule pursuant to E.O. 13132 (64 FR 43255, August 10, 1999) and concluded that no additional consultation with States, local governments, or their representatives is mandated beyond the rulemaking process. The Agency has concluded that the rulemaking would not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The interim final rule will not have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

e. The Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually. This action will not result in additional expenditures by State, local, or tribal governments or by any members of the private sector. Therefore, the Agency has not prepared an economic assessment pursuant to the Unfunded Mandates Reform Act.

[8] MARAD will separately issue the pertinent waiver once this rule becomes effective.

f. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This final rule includes no new collection of information and will not change any existing collections of information as it does not actually waive any regulatory requirements.

g. Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://dms.dot.gov.*

VII. Public Participation

How long do I have to submit comments?

MARAD is providing a 30-day comment period.

How do I prepare and submit comments?

Your comments must be written in English.

To ensure that your comments are correctly filed in the Docket, please include the Docket Number shown at the beginning of this document in your comments.

If you are submitting comments electronically as a PDF (Adobe) File, MARAD asks that the documents be submitted using the Optical Character Recognition (OCR) process, thus allowing MARAD to search and copy certain portions of your submissions. Comments may be submitted to the docket electronically by logging onto the Docket Management System website at *http://www.regulations.gov.* Search using the MARAD docket number and follow the online instructions for submitting comments.

You may also submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES.**

Please note that pursuant to the Data Quality Act, for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at *http://www.whitehouse.gov/omb/fedreg/reproducible.html.* DOT's guidelines may be accessed at *http://www.bts.gov/programs/statistical_policy_and_research/data_quality_guidelines.*

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

Confidential business information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the interim final rule contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this interim final rule, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. MARAD will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this interim final rule. Submissions containing CBI should be sent to the email address provided in the **FOR FURTHER INFORMATION CONTACT** section. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES.** Any comments MARAD receives which are not specifically designated as CBI will be placed in the public docket for this rulemaking.

Will the Agency consider late comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES.** To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider in developing any follow-on action, we will consider that comment as an informal suggestion for future rulemaking action.

How can I read the comments submitted by other people?

You may read the comments received by Docket Management at the address given above under **ADDRESSES.** The hours of the Docket are indicated above in the same location. You may also see the comments on the internet. To read the comments on the internet, go to *http://www.regulations.gov.* Follow the online instructions for accessing the dockets.

Please note that, even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

List of Subjects in 46 CFR Part 310

Grant programs—education, Reporting and recordkeeping requirements, Schools, Seamen.

In consideration of the foregoing, MARAD amends 46 CFR part 310 as follows:

PART 310—MERCHANT MARINE TRAINING

■ 1. Revise the authority citation for part 310 to read as follows:

Authority: 46 U.S.C. Chapter 515; 49 U.S.C. 322(a); 49 CFR 1.93.

Subpart C—Admission and Training of Midshipmen at the United States Merchant Marine Academy

■ 2. Amend § 310.55 by revising paragraph (d) to read as follows:

§ 310.55 Scholastic requirements.

* * * * *

(d) *Waivers.* No waivers of scholastic requirements will be granted, except in the event of a State or national emergency that significantly limits the ability of applicants to take either the SAT or ACT, as determined by the Maritime Administrator.

Dated: October 20, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–23493 Filed 10–20–20; 4:15 pm]

BILLING CODE 4910–81–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 19–310 and MB Docket No. 17–105; FCC 20–109; FRS 17093]

Amendment of the Commission's Rules Regarding Duplication of Programming on Commonly Owned Radio Stations; Modernization of Media Initiative

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission eliminates the radio duplication rule, which restricts the duplication of programming on commonly owned stations operating in the same geographic area, for both AM and FM stations to reflect technological and marketplace changes since the current version of the rule was adopted in 1992. This approach will strike an appropriate balance between fostering our public interest goals of promoting competition and diversity and affording broadcast radio licensees greater flexibility to address issues of local concern in a timely fashion, facilitate digital broadcasting by AM stations, and ultimately allow stations to improve service to their communities.

DATES: This rule is effective October 22, 2020.

FOR FURTHER INFORMATION CONTACT: Jamile Kadre, Industry Analysis Division, Media Bureau, *Jamile.Kadre@fcc.gov,* (202) 418–2245.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in MB Docket Nos. 19–310 and 17–105, FCC 20–109, that was adopted August 6, 2020 and released August 7, 2020. The full text of this document is available for public inspection online at *https://docs.fcc.gov/public/attachments/FCC-20-109A1.pdf.* Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format, etc.) and reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) may be requested by sending an email to *fcc504@fcc.gov* or calling the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

1. In this Report and Order (Order), we eliminate section 73.3556 of the Commission's rules (the radio duplication rule) to reflect technological and marketplace changes over the past three decades. As noted in the underlying Notice of Proposed Rulemaking (NPRM), there have been significant changes in the broadcast radio industry since the current version of this rule, which restricts the duplication of programming on commonly owned stations operating in the same geographic area, was adopted in 1992. By today's Order, we eliminate the radio duplication rule for both AM and FM stations. This approach will strike an appropriate balance between fostering our public interest goals of promoting competition and diversity and affording broadcast radio licensees greater flexibility to address issues of local concern in a timely fashion, facilitate digital broadcasting by AM stations, and ultimately allow stations to improve service to their communities. Through this Order, we continue our efforts to modernize our rules and modify or eliminate outdated and unnecessary media regulations.

Background

1. The Commission's broadcast radio programming duplication rules have evolved over time consistent with changes in the broadcast radio market. The Commission first limited radio programming duplication by commonly owned stations serving the same local area in 1964 by prohibiting FM stations in cities with populations over 100,000 from duplicating the programming of a co-owned AM station in the same local area for more than 50% of the FM station's broadcast day. The Commission observed that it had never regarded program duplication as an efficient use of FM frequencies; instead, it had allowed program duplication as, ''at best, . . . a temporary expedient to help establish the FM service.'' Accordingly, the Commission envisioned ''a 'gradual' process to end programming duplication once the number of applicants seeking licenses exceeded the number of vacant FM channels available in large cities.'' At that time, the Commission sought to minimize the economic impact to radio broadcasters from limiting programming duplication. In particular, the rule allowed for waivers upon a showing that programming duplication would be in the public interest. It further provided that compliance would be monitored through the license renewal process.

2. In 1976, the Commission tightened the radio duplication restriction to limit FM stations to duplicating only 25% of the average program week of a co-owned AM station in the same local area if either the AM or FM station operated in a community with a population of over 25,000. Based on its 12 years of experience observing the effects of the radio duplication rule, the Commission delayed implementation of the tightened 25% limit on smaller cities for approximately four years, establishing interim limits that prohibited FM stations from duplicating more than 25% of average broadcast week programming of a commonly owned AM station in communities over 100,000 and 50% of programming of a commonly owned AM station in communities over 25,000 but under 100,000. At that time, the Commission observed that ''the public does not have to depend on non-duplication to add diversity'' when new broadcasting frequencies remained available. But given ''the virtually complete absence of available [FM] channels as well as the strengthened economic position of FM'' stations, the Commission adopted a tighter limit, finding that ''the greatly diminished availability of FM channels in communities of any substantial size'' could inhibit programming diversity. It also noted again ''the inherent wastefulness of duplication,'' *i.e.,* that duplication of programming was an inefficient use of spectrum. This change also made the city size criterion apply both to the size of the city of the AM station as well as the size of the city of the FM station, rather than considering the size of the city of the FM station alone, as the previous rule had.

3. In 1986, in response to a petition for rulemaking seeking to exempt late-night hours when determining compliance with the radio duplication rule, the Commission eliminated the cross-service radio duplication rule entirely. It found that FM service had developed sufficiently to eliminate the rule and that FM stations were fully competitive, obviating the need to foster the development of an independent FM service through a requirement for separate programming. The Commission further found that the rule was no longer necessary to promote spectrum efficiency because market forces would lead stations to provide separate programming where economically feasible and, where separate programming was not economically feasible, duplication was preferable to a station's reducing programming or going off the air entirely in order to comply with the rule. In reaching this conclusion, the Commission noted that duplication could save costs for many AM stations experiencing economic

difficulties due to listeners switching to FM.

4. In 1992, as part of a broad proceeding reviewing its national and local radio ownership rules, the Commission adopted a new radio duplication rule limiting the duplication of programming by commonly owned stations or stations commonly operated through a time brokerage agreement in the same service (AM or FM) with substantially overlapping signals to 25% of the average broadcast week. Principal community contours are defined as ''predicted or measured 5 mV/m groundwave for AM stations and predicted 3.16 mV/m for FM stations.'' A time brokerage agreement generally involves the sale by one radio licensee of blocks of time to a broker who then supplies programming to fill that time and sells the commercial spot advertising to support it. In setting the limit on programming duplication at 25% of the total hours of a station's average weekly programming, the Commission sought to strike an appropriate balance between affording stations the ability to repurpose costly programming and continuing to foster competition, diversity, and spectrum efficiency in the local market. The Commission saw no public benefit from allowing commonly owned same-service stations in the same local market to duplicate programming more than 25%, observing that, ''when a channel is licensed to a particular community, others are prevented from using that channel and six adjacent channels at varying distances of up to hundreds of kilometers. The limited amount of available spectrum could be used more efficiently by other parties to serve competition and diversity goals.'' The Commission also incorporated time brokerage agreements in the rule because it was concerned about the possibility that ''widespread and substantial time brokerage arrangements among stations serving the same market, in concert with increased common ownership permitted by our revised local rules, could undermine our continuing interest in broadcast competition and diversity.'' The Commission concluded, however, that some programming duplication had benefits, stating ''we are persuaded that limited simulcasting, particularly where expensive, locally produced programming such as on-the-spot news coverage is involved, could economically benefit stations and does not so erode diversity or undercut efficient spectrum use as to warrant preclusion.''

5. As part of its continuing commitment to modernizing its media regulations, the Commission issued the NPRM initiating this proceeding in November 2019, seeking comment on the radio duplication rule and whether it should be retained, modified, or eliminated. As we noted in the NPRM, the broadcast industry has changed significantly since the Commission adopted the current radio programming duplication rule in 1992. In particular, significant growth in the number of radio broadcasting outlets, the advent of digital HD Radio, and the evolution of new and varied formats in which to disseminate programming (*i.e.,* digital satellite radio, streaming via station websites, and mobile applications) have led to greater competition and programming diversity in radio broadcasting. Accordingly, we asked commenters to address several issues, including the impact of market forces on programming consolidation and the impact of the radio duplication rule on the Commission's public interest goals of localism and diversity, as well as on spectrum efficiency. We also sought comment on whether the Commission's prior rationale for eliminating the cross-service duplication programming rule—that duplication is preferable to curtailing programming or going off the air entirely where separate programming is not economically feasible—applies equally to the same-service duplication rule. We sought input on the benefits of allowing some level of programming duplication, as well as potential modifications to the rule. In addition, we asked whether the rule should treat stations in the AM service and the FM service differently in light of the particular economic and technical challenges facing AM stations. Finally, we asked commenters to discuss potential costs and benefits of modifying or eliminating the rule.

6. Four parties filed comments in response to the NPRM and two parties filed reply comments. Though the number of commenters in the proceeding was small, commenters represent a cross-section of the broadcast industry and proffer a variety of arguments both supporting and opposing changing the rule. Bryan Broadcasting Corporation supports, at a minimum, elimination of the rule as pertains to AM stations when one station transitions to all-digital transmission and one remains operating in analog and takes no position on the rule as pertains to the FM service. Common Frequency, Inc. opposes elimination of the rule as to both AM and FM stations, National Association of Broadcasters supports elimination of the rule as pertains to both AM and FM stations, and REC Networks supports partial elimination of the rule as pertains to AM stations and opposes elimination of the rule as pertains to FM stations. Kern Community Radio opposes elimination of the radio duplication rules as to both AM and FM stations and offers several proposals for strengthening the rule. The NPRM also sought comment on whether the radio duplication rule could implicate the First Amendment to the U.S. Constitution. However, no commenters addressed this issue.

Discussion

7. As discussed below, we eliminate section 73.3556 of our rules in order to provide radio broadcasters with increased flexibility in programming decisions. We conclude that the costs of continued regulation of radio programming duplication exceed the benefits of regulation, which we believe is no longer necessary. We find that the unique technical and economic challenges that AM broadcasters currently confront, coupled with the desire to facilitate an AM digital broadcasting transition, warrant eliminating the rule for AM licensees in order to provide them with greater flexibility, as advocated by several commenters. In so doing, we note that currently, AM stations may operate in a ''hybrid'' mode, transmitting both an analog and a digital signal using In-Band On-Channel (IBOC) technology. IBOC refers to the method of transmitting a digital radio broadcast signal centered on the same frequency as the AM or FM station's present frequency. Like FM band transmissions using IBOC technology, AM band transmissions place the digital signal in sidebands above and below the existing AM carrier frequency. By this means, the digital signal is transmitted in addition to the existing analog signal. In both instances, the digital emissions fall within the spectral emission mask of the station's channel. The present IBOC system is referred to as a ''hybrid'' because it is neither fully analog nor fully digital. During hybrid operation, existing receivers continue to receive the analog (non-digital) signal, while newer receivers incorporate both modes of reception, automatically switching to receive either the analog or the digital signal. Recently, the Commission has proposed to permit AM stations to operate in all-digital mode, rather than requiring that they maintain an analog signal alongside the digital signal in hybrid operations.

8. Similarly, we find that the benefits of eliminating the rule for FM licensees outweigh any potential negative impacts on public interest objectives of competition, program diversity, and spectrum efficiency for which the radio duplication rule was originally adopted. For these reasons, we find that the current rule no longer strikes the right balance between affording stations the ability to repurpose programming and continuing to foster competition, diversity, and spectrum efficiency in the local market.

9. Because we eliminate the rule, we decline to adopt CFI's proposals to (1) extend the programming duplication signal coverage area for AM stations and (2) assess duplication in the AM service on a case-by-case basis. We also decline to adopt (1) Kern's proposal that we extend the overlap areas of full-service stations; (2) REC's proposal that the Commission impose upon AM stations entering such duplication arrangements a requirement to surrender any cross-service FM translators after a certain time period; and (3) CFI's similar proposal to limit the number of FM translators licensed to a duplicated AM station or disallow use of FM translators by a duplicated AM station. The record does not support these proposals. In particular, commenters fail to explain why their proposals would be sufficient to alleviate industrywide pressures that make continued application of the rule overly burdensome. Additionally, having concluded that industrywide relief from non-duplication restrictions is warranted, we decline to require potentially struggling licensees to endure the administrative costs and burdens of seeking individual waivers that otherwise might be required were we to retain at least some radio duplication restrictions. Further, because we eliminate the rule for the FM service, we decline to adopt proposals to tighten or expand the radio duplication rule for the FM service, as requested by some commenters, specifically CFI's proposal that we extend the programming duplication signal coverage area for FM stations and Kern's proposal that we expand the radio duplication rule to include extending the overlap areas of full-service stations. As the commenters have provided only bare assertions as to these proposals, offering no specific evidence or analysis, we reject these suggestions that we expand the existing rule instead of eliminating it. We also decline to adopt proposals to expand the radio duplication rule to cover translators and NCE stations, as we find these proposals to be outside the scope of this proceeding. We similarly decline to address various other proposals, including NAB's request to modernize the translator duplication rule, CFI's recommendation to change the translator rule and have broadcasters specify the origin of programming received by satellite, and various suggested changes from Kern because they are likewise outside the scope of this proceeding.

10. *AM Service.* We conclude that the radio duplication rule no longer serves the public interest as applied to commonly owned AM stations in light of current marketplace conditions. As we have noted in several recent proceedings, the AM broadcasting service faces persistent interference issues that have hampered the service and frustrated both consumers and licensees. In particular, the service has faced an increase in the level of environmental and man-made noise over time, which has increased the amount of interference in the band. In addition, AM stations continue to be more difficult to operate and more expensive to maintain than FM stations, requiring larger and more complex physical plants, which are increasingly under pressure in urban areas.

11. Moreover, the AM service continues to contend with lower quality non-stereo audio and declining listenership. The technical challenges that the AM service has long faced have been compounded in recent decades by the continued predominance of FM radio in the broadcast industry and the introduction of alternative sources of higher-quality audio signals. These technical challenges lead to economic challenges, as the interference issues and lower-quality audio endemic to analog AM radio may drive down listenership, further reducing stations' ability to invest in order to meet these technical challenges. Additionally, the impact of the COVID–19 pandemic is exacerbating the economic challenges that many AM stations are already confronting. We find that permitting the additional flexibility of simulcasting may be useful to AM stations that are financially struggling. As the Commission observed in addressing this issue in the past, ''where separate programming is not economically feasible, duplication of AM service is preferable to a struggling station reducing programming or going off the air entirely to comply with the rule.'' Given these ongoing challenges, we conclude that the AM service would benefit from greater flexibility in making programming decisions and, in particular, from having the option to potentially repurpose costly programming on commonly owned stations.

12. Additionally, although the foregoing reasons alone provide a sufficient basis to eliminate the radio duplication rule for AM stations, we also agree with the majority of commenters in this proceeding that eliminating the radio duplication rule could help to ease the AM service transition from analog to digital broadcasting, both for stations and their audiences. As BBC observes, allowing AM broadcasters to operate in, and experiment with, all-digital transmissions, while retaining the ability to serve both analog and digital listeners would foster the conversion of the AM service to digital ''without disenfranchising the listeners of a station who do not yet own a digital AM receiver.'' Similarly, NAB and REC assert that eliminating the radio duplication rule would increase public awareness of the all-digital mode. That is, while our decision to eliminate the radio duplication rule for AM stations is not dependent on a Commission decision to permit AM stations to operate in all-digital mode rather than hybrid mode, we note that, in the event that the Commission permits all-digital AM operations, eliminating the duplication rule would permit a broadcaster with two commonly owned AM stations to simulcast the same programming on both stations, one in analog and one in digital. We also note that, should stations be permitted to make the digital transition, the technical capacity exists for them to transition from analog to hybrid to all-digital, rather than transitioning directly from analog to all-digital or simulcasting in hybrid and all-digital. Digital radio holds significant promise for AM stations, enabling them to provide sound quality that is equivalent, or superior, to standard analog FM sound quality. Digital AM radio also provides a clear, interference-free signal in contrast to AM analog radio, which is more susceptible to interference. Furthermore, experimentation in all-digital signals has shown potential promise in signal coverage robustness. In addition, technological innovations in all-digital radio allow for ''advanced consumer-friendly features, such as real-time data and information displays, that are not available via analog AM radio.'' Thus, allowing simulcasting could attract new listeners with the higher audio quality made possible by digital operations without eliminating the ability of analog listeners to continue to access the station's programming should all-digital signals ultimately be

permitted. Furthermore, as NAB asserts, permitting such simulcasting would serve the public interest by enabling ''broadcasters to build and maintain a robust audience across the market while evaluating how best to not only survive, but thrive, in the future.''

13. By eliminating the rule as applied to AM service, we would therefore eliminate a potential obstacle to a new technology that may serve to revitalize the AM industry. Proponents of all-digital AM broadcasting have asserted that '' 'the benefits of authorizing all-digital AM will be widespread for broadcasters and listeners alike' '' and '' 'a voluntary transition to all-digital AM service could help to reverse [waning AM audience share and advertising revenues] by enabling broadcasters to provide a pristine signal.' '' Although IBOC hybrid operations offer some ability for AM stations to provide digital service, the IBOC technology has not been widely used by AM stations. As stations are now increasingly exploring the potential for switching from all-analog to all-digital operations, it is logical for the Commission to remove legacy rules that may serve as impediments to a possible all-digital transition. Accordingly, eliminating the radio duplication rule as to the AM service has the potential to drive adoption of this new technology, if eventually authorized by the Commission, by enabling co-owned stations to offer digital programming to the community while maintaining the programming in analog.

14. *FM Service.* We conclude that the record demonstrates that eliminating the radio duplication rule as applied to the FM service would serve the public interest. Although the FM service does not face precisely the same persistent technical and economic challenges as the AM service, we find that the record supports eliminating the rule for FM stations in order to provide greater flexibility to address issues of local concern in a timely fashion, particularly in times of crisis. Moreover, we find that the existing waiver process is not an efficient means of granting regulatory relief in this context.

15. The current COVID–19 national emergency highlights the need to provide broadcasters increased flexibility to react nimbly to local needs, as circumstances have changed rapidly in different jurisdictions across the country since the beginning of the outbreak. Efforts to slow the spread of COVID–19 ''have resulted in the dramatic disruption of many aspects of Americans' lives, including social distancing measures to prevent person-to-person transmission that have required the closure of businesses across the country for indefinite periods of time.'' In the past several months, the Commission has taken a number of steps to accommodate FCC licensees and regulatees in light of these disruptions. With respect to the radio duplication rule, NAB states that ''allowing FM broadcasters to duplicate programming on a commonly owned station could be particularly helpful in times of crisis, including the one our nation is currently undergoing.'' NAB notes further that ''small broadcasters with fewer resources are especially vulnerable if one of their studio employees contracts the virus,'' as ''the rest of their staff may be forced to quarantine, making it difficult to produce original programming.'' We agree and find that in such circumstances, the ability to quickly repurpose programming on commonly owned stations will allow such stations to use their limited resources efficiently, as well as to widely share critical news and health information with the local community. Of course, this same rationale applies to weather and other emergencies, ''when it is in the public interest to allow stations to pool resources and simulcast emergency news and information without having to incur the expense and delay of obtaining a waiver.'' In such emergencies, eliminating the radio duplication rule would provide FM stations with critical flexibility to duplicate programming from a sister station. Although stations can always seek a waiver of the Commission's rules, the waiver process may unnecessarily inhibit the ability of stations to react quickly and effectively to local emergencies and changes in circumstances. In addition, although current economic conditions are expected to be temporary, they have dampened advertising revenues across the industry and we see no reason to require broadcasters to bear the costs of seeking waivers where, as here, industry-wide relief is appropriate and, as discussed below, substantial program duplication on stations serving the same market is unlikely to be profitable.

16. Furthermore, we find that eliminating the radio duplication rule for the FM service has additional benefits, including helping stations inform listeners of a format change by permitting the simulcast of the new format on multiple stations. Accordingly, just as with AM, we believe there are potential benefits to permitting FM stations to duplicate programming as circumstances warrant, and we therefore eliminate the rule as to both radio services.

17. Despite our action today, we continue to believe that broadcasters have no incentive to limit their appeal and thus their revenues by simulcasting the same programming on multiple stations for long periods of time. Accordingly, bare assertions as to the continued usefulness of the radio duplication rule for the FM service—for instance, that the rule ensures ''some basic level of diversity and . . . prevent[s] spectrum warehousing—are not persuasive. Kern, a self-described ''prospective non-commercial community broadcaster,'' states that there is a need for spectrum for new, diverse, and hyperlocal programming in the FM service and claims that programming duplication ''stifle[s] local programming, diversity of programming, and new broadcast entrants.'' However, to the extent that Kern believes regulation of radio station duplication will affect the availability of LPFM channels, we note that eliminating the radio duplication rule in order to provide *commercial* broadcast radio licensees with increased flexibility would have no impact on Kern's aspiration to become a noncommercial licensee. Nor does the record provide any evidence that the current limit restricting the duplication of programming to 25% of the station's average broadcast week has provided public interest benefits. Rather, we agree with NAB's assertion that ''airing diverse content on commonly owned stations is the best way to reach the widest audience possible and maximize revenues.'' Therefore, although in today's Order we provide additional flexibility to broadcast radio stations, we believe that licensees will prefer to maximize the potential for their stations to reach the greatest number of listeners with the greatest amount of programming. That is, we do not believe that duplication will be a common practice by station owners as a substantially increased amount of it is unlikely to be well-received by the marketplace. Rather, we anticipate that stations will likely use the ability to duplicate programming either in an effort to preserve broadcasting in both the AM and FM services, address issues of local concern in a timely fashion, respond to a crisis, or aid in a potential digital transition in the AM service. As a result, we believe that the costs of continued regulation outweigh the benefits of regulation; any potential negative impacts on public interest objectives that may result from our action will be minimal and will be

outweighed by the public interest benefits identified above.

18. We note that some commenters' observations about some non-commercial educational licensees substantially duplicate programming on commonly owned NCE stations across separate markets across the country are inapposite to our consideration of the radio duplication rule, which addresses commonly owned commercial stations in the same market, because such programming duplication involves separate markets. We also find CFI's claim that elimination of the rule will harm minority broadcasters to be speculative and unsupported by the record. CFI supposes that, absent the non-duplication rule, a station that otherwise would have been ''LMA'd to a minority broadcaster could simply just rebroadcast programming to another station.'' CFI provides no evidentiary support, analysis, or explanation as to why this outcome is likely. To the extent its position is that a change in the radio duplication rule will lead to more consolidation, we do not believe that this rule change will give rise to new acquisitions of stations solely for the purpose of replicating the programming of an incumbent station already serving the same local area, as such a strategy appears unlikely to be profitable. Thus, we dismiss any assertion that our rule change will result in an increase in consolidation of radio station ownership. Furthermore, as noted above, we believe that existing station owners may use programming duplication in an effort to preserve programming in both services, to respond to a crisis, or to aid in a potential digital transition in the AM service, benefits that would accrue to minority as well as non-minority broadcasters.

19. *Final Regulatory Flexibility Act Analysis.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) relating to this *Order.* The FRFA is set forth in Appendix B.

20. *Paperwork Reduction Analysis.* This document does not contain new or revised information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. 3501 through 3520). In addition, therefore, it does not contain any new or modified ''information burden for small business concerns with fewer than 25 employees'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, 44 U.S.C. 3506(c)(4).

21. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget concurs, that this rule is ''non-major'' under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the *Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

22. *Additional Information.* For additional information on this proceeding, contact Jamile Kadre, *Jamile.Kadre@fcc.gov,* of the Industry Analysis Division, Media Bureau, (202) 418–2245.

Final Regulatory Flexibility Analysis

A. Need for, and Objectives of, the Report and Order

1. The current radio duplication rule prohibits any commercial AM or FM radio station from devoting ''more than 25 percent of the total hours in its average broadcast week to programs that duplicate those of any other station in the same service (AM or FM) which is commonly owned or with which it has a time brokerage agreement if the principal community contours . . . of the stations overlap and the overlap constitutes more than 50 percent of the total principal community contour service area of either station.'' In this Report and Order (*Order*), we eliminate section 73.3556 of the Commission's rules (the radio duplication rule) to reflect technological and marketplace changes over the past three decades, including the digital transition. As noted in the underlying Notice of Proposed Rulemaking (*NPRM*), there have been significant changes in the broadcast radio industry since the current version of this rule was adopted in 1992. Eliminating the radio duplication rule for both AM and FM licensees will afford broadcast radio licensees greater flexibility to address issues of local concern in a timely fashion, facilitate digital broadcasting by AM stations, and ultimately allow stations to improve service to their communities.

2. For AM licensees, we find that the unique technical and economic challenges that AM broadcasters currently confront, coupled with the desire to facilitate an AM digital broadcasting transition, warrant eliminating the rule for AM licensees in order to provide them with greater flexibility. The AM broadcasting service faces persistent interference issues that have hampered the service and frustrated both consumers and licensees. In particular, the service has faced an increase in the level of environmental and man-made noise over time, which has increased the amount of interference in the band. In addition, AM stations continue to be more difficult to operate and more expensive to maintain than FM stations, requiring larger and more complex physical plants, which are increasingly under pressure in urban areas. Thus, we find that permitting a broadcaster who owns two AM stations in the same local area to duplicate programming without regard to the degree of contour overlap between the two stations will serve the public interest by affording AM broadcast licensees greater flexibility to respond to marketplace conditions and ultimately will allow stations to improve service to their communities.

3. We also find that the record demonstrates that eliminating the radio duplication rule as applied to the FM service would serve the public interest. Although the FM service does not face precisely the same persistent technical and economic challenges as the AM service, we find that the record supports eliminating the rule for FM stations in order to provide greater flexibility to address issues of local concern in a timely fashion. Moreover, we find that the existing waiver process is not an efficient means of granting regulatory relief in this context. In emergencies, the ability to quickly repurpose programming on commonly owned stations will allow stations to use their limited resources efficiently, as well as to widely share critical news and health information with the local community. Although stations can always seek a waiver of the Commission's rules, the waiver process may unnecessarily inhibit the ability of stations to react quickly and effectively to local emergencies and changes in circumstances. Furthermore, we find that eliminating the radio duplication rule for the FM service has additional benefits, including helping stations inform listeners of a format change by permitting the simulcast of the new format on multiple stations. Accordingly, just as with AM, we believe there are potential benefits to permitting FM stations to duplicate programming as circumstances warrant, and we therefore eliminate the rule as to both radio services.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

4. There were no comments to the IRFA filed.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

5. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Apply

6. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

7. The rule changes adopted herein will directly affect certain small radio broadcast stations, specifically commercial AM and FM radio stations. Below, we provide a description of these small entities, as well as an estimate of the number of such small entities, where feasible.

8. *Radio Broadcasting.* This U.S. Economic Census category ''comprises establishments primarily engaged in broadcasting aural programs by radio to the public.'' Programming may originate in the establishment's own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: Those having $38.5 million or less in annual receipts. Economic Census data for 2012 show that 2,849 firms in this category operated in that year. Of that number, 2,806 operated with annual receipts of less than $25 million per year, 17 with annual receipts between $25 million and $49,999,999 million and 26 with annual receipts of $50 million or more. Based on this data, we estimate that the majority of commercial radio broadcast stations were small under the applicable SBA size standard.

9. The Commission has estimated the number of licensed commercial FM radio stations to be 6,726, the number of commercial FM translator stations to be 8,188 and the number of commercial AM radio stations to be 4,580, for a total of 19,494 commercial radio stations. Of this total, nine commercial radio stations had revenues of $38.5 million or greater in 2018, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Database (BIA) on June 15, 2020. All other commercial radio stations qualify as small entities under the SBA definition. Of this total, nine commercial radio stations had revenues of $38.5 million or greater in 2018, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Database (BIA) on June 15, 2020. All other stations qualify as small entities under the SBA definition.

10. In assessing whether a business concern qualifies as small under the above definition, business (control) affiliations must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by our action because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific radio station is dominant in its field of operation. Accordingly, the estimate of small businesses to which the proposed rules may apply does not exclude any radio station from the definition of small business on this basis and is therefore possibly over-inclusive.

E. Description of Projected Reporting, Record Keeping and Other Compliance Requirements

11. The *Order* eliminates the radio duplication rule as applied to AM stations and FM stations. Accordingly, the *Order* does not impose any new reporting, recordkeeping, or compliance requirements for small entities. The *Order* thus will not impose additional obligations or expenditure of resources on small businesses.

F. Steps Taken To Minimize Significant Impact on Small Entities, and Significant Alternatives Considered

12. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

13. In this proceeding, the Commission has three chief alternatives available for the radio duplication rule—eliminating the rule in its entirety, retaining the rule in its entirety, or modifying the rule in some other form. The Commission finds that the public interest and marketplace realities support eliminating the rule in its entirety, *i.e.,* eliminating the restriction on radio duplication for both AM and FM stations. Further, should the Commission permit AM stations to operate in all-digital format, elimination of this rule will facilitate the transition to all-digital broadcasting by allowing an AM station to simulcast its programming on two stations in analog and digital format. Given that most commercial broadcast stations qualify as small entities, eliminating the rule will help small entities by providing greater flexibility for those stations that require it in order to continue providing programming. Specifically, eliminating the radio duplication rule for both AM and FM stations would allow broadcasters to repurpose programming on commonly owned stations.

G. Report to Congress

14. The Commission will send a copy of this *Second R&O,* including this FRFA, in a report to Congress and the Government Accountability Office pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the Commission will send a copy of the *Second R&O,* including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the *Second R&O* and FRFA (or summaries thereof) will also be published in the **Federal Register**.

H. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

15. None.

Ordering Clauses

16. Accordingly, *it is ordered* that, pursuant to the authority found in sections 1, 4(i), 4(j), and 303(r) of the Communications Act of 1934, as

amended, 47 U.S.C. 151, 154(i), 154(j), and 303(r), this Order *is adopted.*

17. *It is further ordered* that, pursuant to the authority found in sections 1, 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), and 303(r), the Commission's rules *are amended* as set forth in Appendix A, effective as of the date of publication of a summary in the **Federal Register**.

18. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

19. *It is further ordered* that, pursuant to Section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), the Commission *shall send* a copy of the *Order* to Congress and to the Government Accountability Office.

20. *It is further ordered* that, should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 19–310 *shall be terminated* and its docket closed.

List of Subjects in 47 CFR Part 73

Radio.

Federal Communications Commission.

Marlene Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. Section 73.3556 is removed.

[FR Doc. 2020–21319 Filed 10–21–20; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 201002–0265]

RIN 0648–BJ76

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the South Atlantic States; Amendment 11

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement Amendment 11 to the Fishery Management Plan (FMP) for the Shrimp Fishery of the South Atlantic Region (Shrimp FMP), as prepared and submitted by the South Atlantic Fishery Management Council (Council). This final rule revises the transit provisions for shrimp trawl vessels with penaeid shrimp, *i.e.,* brown, pink, and white shrimp, on board in Federal waters of the South Atlantic that have been closed to shrimp trawling to protect white shrimp as a result of cold weather events. The purpose of this final rule is to update the regulations to more closely align with current fishing practices, reduce the socio-economic impacts for fishermen who transit these closed areas, and improve safety at sea while maintaining protection for overwintering white shrimp.

DATES: This final rule is effective November 23, 2020.

ADDRESSES: Electronic copies of Amendment 11, which includes a fishery impact statement, a Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/amendment-11-shrimp-trawl-transit-provisions/.*

FOR FURTHER INFORMATION CONTACT: Frank Helies, telephone: 727–824–5305, or email: *Frank.Helies@noaa.gov.*

SUPPLEMENTARY INFORMATION: The penaeid shrimp fishery of the South Atlantic is managed under the FMP. The FMP was prepared by the Council and implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On July 10, 2020, NMFS published a notice of availability for Amendment 11 and requested public comment (85 FR 41513). On August 13, 2020, NMFS published a proposed rule for Amendment 11 and requested public comment (85 FR 49355). NMFS approved Amendment 11 on September 28, 2020. The proposed rule and Amendment 11 outline the rationale for the actions contained in this final rule. A summary of the management measures described in Amendment 11 and implemented by this final rule is described below.

Background

Amendment 9 to the Shrimp FMP revised the criteria and procedures by which a South Atlantic state may request that NMFS implement a concurrent closure to the harvest of penaeid shrimp (brown, pink, and white shrimp) in the exclusive economic zone (EEZ) when state waters close as a result of severe winter weather (78 FR 35571; June 13, 2013). The Shrimp FMP provides that if a state has determined there is at least an 80-percent reduction in the population of overwintering white shrimp, or that state water temperatures were 9 °C (48 °F) or less for at least 7 consecutive days, the state can request NMFS to close the EEZ adjacent to that state's closed waters to the harvest of penaeid shrimp to protect the white shrimp spawning stock that has been severely depleted by cold weather.

The Shrimp FMP procedures allow a state, after determining that the concurrent closure criteria have been met, to submit a letter directly to the NMFS Regional Administrator (RA) with the request and supporting data for a concurrent closure of penaeid shrimp harvest in the EEZ adjacent to the closed state waters. After a review of the request and supporting information, if the RA determines the recommended closure is in accordance with the procedures and criteria specified in the FMP and the Magnuson-Stevens Act, NMFS would implement the closure through a notification in the **Federal Register**. The closure will usually remain effective until the ending date of the state's closure, but may be ended earlier based upon a request from the state.

Currently, shrimp trawl vessels transiting these EEZ cold weather closed areas with penaeid shrimp on board are required to stow a trawl net with a mesh size of less than 4 inches (10.2 cm) below deck. Since the most recent cold weather EEZ closures off South Carolina (83 FR 2931; January 22, 2018) and Georgia (83 FR 3404; January 25, 2018), fishermen requested that the Council update these transit provisions.

Fishermen requested this change to increase their ability to transit the closed areas, since more recent vessel design changes have limited access to below deck storage. Also, requirements for a larger turtle excluder device (TED) in the trawl net to protect leatherback sea turtles have increased the size of a net that would need to be folded and stored below deck. Fishermen also stated that having to disassemble trawl gear for below deck stowage in rough sea conditions is a safety concern. Additionally, some fishermen stated that they avoid the closed areas entirely as they were not able to meet the transit requirements.

NMFS expects that Amendment 11 and this final rule will update the regulations to better match the current design of the vessels in the fishery, reduce the socio-economic impact for fishermen who had difficulty transiting the cold weather closed areas under the regulations, and improve safety at sea for fishermen through reduced travel time around the closed areas and by not having to disassemble fishing gear in rough weather for stowage below deck, while maintaining protection for overwintering white shrimp and enforceability of the regulations for the cold weather closed areas.

Management Measures Contained in This Final Rule

This final rule revises the transit provisions for shrimp trawl vessels with penaeid shrimp on board transiting through cold weather closed areas in Federal waters of the South Atlantic. The final rule allows a vessel to possess penaeid shrimp (brown, pink, and white shrimp) in South Atlantic cold weather closed areas provided the vessel is in transit and fishing gear is appropriately stowed. Transit will be defined as non-stop progression through the area with fishing gear appropriately stowed. Fishing gear appropriately stowed will be defined as trawl doors are in the rack (cradle) on deck, nets would be in the rigging and tied down, and the try net would be on the deck. Doors in the rack means the trawl doors are stowed in their storage racks out of the water on the vessel's deck. Nets in the rigging means the trawl nets are out of the water and are tied to the trawl vessel's rigging.

The transit provision in this final rule was developed and recommended to the Council by the Council's Law Enforcement, Shrimp, and Deep-water Shrimp Advisory Panels. Doors in the rack (cradle), nets in the rigging and tied down, and try net on the deck will enable law enforcement on the water or in the air to see from a distance if fishermen are complying with the transit provisions without having to actually board the vessel, thereby saving time and reducing the safety risks associated with a vessel boarding.

This final rule will reduce the time needed to stow gear because fishermen will no longer need to disassemble the trawl gear (remove nets from the rigging and the doors) prior to stowing nets with mesh sizes less than 4 inches (10.2 cm) below deck. This final rule is expected to reduce adverse socio-economic and safety at sea impacts associated with the transit provisions through reduced travel time around the closed areas and reduced time on the water for fishermen by not requiring gear stowage below deck.

Comments and Responses

NMFS received two comments from individuals during the public comment periods on the notice of availability and proposed rule for Amendment 11. One comment was in support of the vessel transit action. NMFS acknowledges the comment and agrees with it. The other comment was outside the scope of the action and is not responded to in this final rule. No changes were made to this final rule in response to public comment.

Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with Amendment 11, the Shrimp FMP, the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866. This final rule is considered an Executive Order 13771 deregulatory action.

The Magnuson-Stevens Act provides the statutory basis for this final rule. No duplicative, overlapping, or conflicting Federal rules have been identified. A description of this final rule, why it is being implemented, and the purposes of this final rule are contained in the **SUMMARY** and **SUPPLEMENTARY INFORMATION** sections of this preamble. The objectives of this final rule are to ensure transit regulations are consistent with current fishing vessel designs, reduce the adverse social and economic effects on commercial shrimp fishing businesses that have not been able to transit closed areas due to an inability to comply with the current transit regulations, improve safety at sea and the enforceability of transit regulations, and maintain protection for over-wintering white shrimp.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) during the proposed rule stage that this final rule, if adopted, would not have a significant economic impact on a substantial number of small entities. NMFS did not receive any comments from SBA's Office of Advocacy or the public regarding the economic analysis of Amendment 11 or the certification in the proposed rule. No changes to this final rule were made in response to public comments. The factual basis for the certification was published in the proposed rule and is not repeated here. Because this final rule is not expected to have a significant economic impact on a substantial number of small entities, a final regulatory flexibility analysis is not required and none has been prepared.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Shrimp, South Atlantic.

Dated: October 5, 2020.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 622.206, revise paragraph (a)(2)(iii) to read as follows:

§ 622.206 Area and seasonal closures.

(a) * * *

(2) * * *

(iii) Brown shrimp, pink shrimp, or white shrimp may be possessed on board a fishing vessel in a closed area, provided the vessel is in transit and that the shrimp fishing gear with trawl nets having a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut, is appropriately stowed. For the purposes of this paragraph (a), transit means a non-stop progression through a closed area and appropriately stowed means trawl doors out of the water and in the rack/cradle on deck, the nets must be out of the water and in the

rigging and tied down, and any try net must be on deck.

* * * * *

[FR Doc. 2020–22322 Filed 10–21–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 200428–0122; RTID 0648–XA575]

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the 2020 Specifications

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS increases the 2020 Atlantic herring annual catch limit and Area 1A sub-annual catch limit by 1,000 mt. This action is required by the herring regulations when, based on data through October 1, the New Brunswick weir fishery lands less than 2,942 mt of herring. This notice is intended to inform the public of these catch limit changes.

DATES: Effective October 22, 2020 through December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Carrie Nordeen, Fishery Policy Analyst, (978) 281–9272; or *Carrie.Nordeen@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS published final 2020 specifications for the Atlantic Herring Fishery Management Plan on May 6, 2020 (85 FR 26874), establishing the 2020 annual catch limit (ACL) and area sub-ACLs. Table 1 shows the original herring specifications for 2020 and the specifications that are revised by this action for the remainder of the calendar year.

The NMFS Regional Administrator tracks herring landings in the New Brunswick weir fishery each year. The regulations at 50 CFR 648.201(h) require that if the New Brunswick weir fishery landings through October 1 are less than 2,942 mt, then NMFS subtracts 1,000 mt from the management uncertainty buffer and increases the ACL and Area 1A sub-ACL by 1,000 mt. When such a determination is made, NMFS is required to notify the New England Fishery Management Council and publish the ACL and Area 1A sub-ACL adjustment in the **Federal Register**.

Information from Canada's Department of Fisheries and Oceans indicates that the New Brunswick weir fishery landed 1,125 mt of herring through October 4, 2020. Therefore, the Regional Administrator determined, based on the best available information, that the New Brunswick weir fishery landed less than 2,942 mt through October 1, 2020. Effective October 22, 2020, 1,000 mt will be re-allocated from the management uncertainty buffer to the Area 1A sub-ACL and ACL. This increases the Area 1A sub-ACL from 3,344 mt to 4,344 and the ACL from 11,571 mt to 12,571 mt. The revised specifications will be used to project when catch will reach 92 percent of the Area 1A sub-ACL or 95 percent of the ACL for the purpose of implementing a 2,000-lb (907-kg) herring possession limit in Area 1A or in all management areas, respectively.

TABLE 1—ATLANTIC HERRING SPECIFICATIONS FOR 2020 (mt)

	Original specifications	Revised specifications
Overfishing Limit	41,830	41,830.
Acceptable Biological Catch.	16,131	16,131.
Management Uncertainty.	4,560	3,560.
Optimum Yield/ACL.	11,571	12,571.
Domestic Annual Harvest.	11,571	12,571.
Border Transfer	100	100.
Domestic Annual Processing.	11,471	12,471.
U.S. At-Sea Processing.	0	0.
Area 1A Sub-ACL (28.9%).	3,344	4,344.
Area 1B Sub-ACL (4.3%).	498	498
Area 2 Sub-ACL (27.8%).	3,217	3,217.
Area 3 Sub-ACL (39%).	4,513	4,513.
Fixed Gear Set-Aside.	30	30.
Research Set-Aside.	3% of sub-ACLs.	3% of sub-ACLs

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 648, which was issued pursuant to section 403(b), and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on this inseason adjustment because it would be contrary to the public interest. This action allocates a portion of the management uncertainty buffer to the ACL and Area 1A sub-ACL for the remainder of the year. If implementation of this inseason action is delayed to solicit prior public comment, the objective of the fishery management plan to achieve the optimum yield (OY) in the fishery could be compromised. Deteriorating weather conditions during the latter part of the fishing year may reduce fishing effort, and could also prevent the ACL from being fully harvested. This would result in a negative economic impact on vessels permitted to fish in this fishery. Moreover, the process being applied here was the subject of notice and comment rulemaking. The adjustment is routine and formulaic, required by regulation, and is expected by industry. The potential to re-allocate the management uncertainty buffer was also outlined in the final 2020 herring specifications that were published May 8, 2020, which were developed through public notice and comment. Based on these considerations, NMFS further finds, pursuant to 5 U.S.C 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 19, 2020.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–23418 Filed 10–21–20; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 85, No. 205

Thursday, October 22, 2020

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

10 CFR Part 430 and 431

[EERE–2020–BT–STD–0018]

Energy Conservation Program for Appliance Standards: Energy Conservation Standards for Residential Furnaces and Commercial Water Heaters; Notice of Final Interpretive Rule

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Extension of public comment period.

SUMMARY: In response to a petition for rulemaking submitted on October 18, 2018 (Gas Industry Petition), the Department of Energy (DOE) published that petition in the **Federal Register** on November 1, 2018, for public review and input, and DOE subsequently published a proposed interpretive rule in the **Federal Register** on July 11, 2019. After carefully considering the public comments on its proposed interpretive rule, DOE tentatively determined to consider a more involved class structure which turns on maintenance of compatibility with existing venting categories, and published a notice of supplemental proposed interpretive rulemaking (''NOPIR'') on September 24, 2020. On September 25, 2020, and October 6, 2020, DOE received comments requesting extension of the comment period on the NOPIR. On September 29, 2020, DOE received a comment from the submitters of the Gas Industry Petition requesting prompt action on their petition. Balancing these competing requests, DOE is extending the public comment period for submitting comments and data on the NOPIR to November 9, 2020.

DATES: The comment period for the NOPIR published on September 24, 2020 (85 FR 60090) is extended until November 9, 2020. DOE will accept comments, data, and information regarding this NOPIR received no later than November 9, 2020.

ADDRESSES: Interested persons are encouraged to submit comments, identified by ''Energy Conservation Standards for Residential Furnaces and Commercial Water Heaters,'' by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: ResFurnaceCommWaterHeater2018STD0018@ee.doe.gov. Include Docket No. EERE–2018–BT–STD–0018 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

Postal Mail: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

Hand Delivery/Courier: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, Suite 600, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (faxes) will be accepted. For detailed instructions on submitting comments and additional information, see section IV of this document (Public Participation).

Docket: For access to the docket to read background documents, or comments received, go to the Federal eRulemaking Portal at: *http://www.regulations.gov/docket?D=EERE-2018-BT-STD-0018.*

FOR FURTHER INFORMATION CONTACT:

Ms. Lysia Bowling, Senior Advisor, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: (202) 430–1257. Email: *Lysia.Bowling@ee.doe.gov.*

Mr. Eris Stas, U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: (202) 586–5827. Email: *Eric.Stas@hq.doe.gov.*

For further information on how to submit a comment or review other public comments and the docket contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *Appliance StandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: In response to a petition for rulemaking submitted on October 18, 2018, the Department of Energy (DOE) published that petition in the **Federal Register** on November 1, 2018 (83 FR 54883), for public review and input, and DOE subsequently published a proposed interpretive rule in the **Federal Register** on July 11, 2019. (84 FR 33011) After carefully considering the public comments on its proposed interpretive rule, DOE tentatively determined to consider a more involved class structure which turns on maintenance of compatibility with existing venting categories, and published a NOPIR on September 24, 2020. (85 FR 60090) On September 25, 2020, and October 6, 2020, DOE received comments from A.O. Smith and Lennox, respectively, requesting extension of the comment period on the NOPIR. Both commenters requested additional time due their assertion that the NOPIR addressed multiple product types and raised complex issues. On September 29, 2020, DOE received a comment from the submitters of the Gas Industry Petition requesting prompt action on their petition. The submitters of the Gas Industry Petition assert that the issues raised in the NOPIR did not have any material bearing on the justification for the specific findings in their Petition, which they claim DOE has already recognized in issuance of the original proposed interpretive rule, and therefore urged prompt action on their Petition. DOE has reviewed these competing requests and considered the benefit to stakeholders in providing additional time to review and comment on the NOPIR. Accordingly, in seeking to balance the interests at issue, DOE has determined that an extension of the comment period is appropriate, and is hereby extending the comment period until November 9, 2020.

Signing Authority

This document of the Department of Energy was signed on October 16, 2020,

by Alexander N. Fitzsimmons, Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on October 16, 2020.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2020–23318 Filed 10–21–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0916; Product Identifier 2015–SW–055–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, EC 155B, EC155B1, EC225LP, and SA330J helicopters. This proposed AD would require inspecting the snap fasteners on the windows. This proposed AD was prompted by incidents of difficulty unbuttoning the extraction tape on the windows. The proposed actions are intended to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by December 7, 2020.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *https://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0916; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Aviation Safety Agency (EASA) ADs, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: David Hatfield, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *david.hatfield@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2020–0916; Product Identifier 2015–SW–055–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposal.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to David Hatfield, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *david.hatfield@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2015–0149, dated July 23, 2015 (EASA AD 2015–0149), to correct an unsafe condition for Airbus Helicopters Model AS 322 and EC 225 LP helicopters; EASA AD No. 2015–0168, dated August 13, 2015 (EASA AD 2015–0168), to correct an unsafe condition for Airbus Helicopters Model EC 155 B and EC 155 B1 helicopters; and EASA AD No. 2015–0169, dated August 13, 2015 (EASA AD 2015–0169), to correct an unsafe condition for Airbus Helicopters Model SA330 J helicopters, equipped with an extraction tape fitted with ''press-studs'' (snap fasteners) on the windows. EASA advises of difficulty unbuttoning the extraction tape during the manufacturing of a helicopter. Investigation concluded that the difficulty was caused by a bad male/female coupling, possibly resulting from miscrimping. This difficulty is known to

have occurred on two additional helicopters. EASA states this condition, if not detected and corrected, could prevent the jettisoning of the helicopter window, possibly affecting the evacuation of passengers during an emergency situation. For these reasons, EASA AD 2015–0149, EASA AD 2015–0168, and EASA AD 2015–0169 require inspecting each press-stud located on the extraction tapes of the window jettisoning system and depending on the findings, installing self-gripping tape and replacing the press-studs.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA of the unsafe condition described in its AD. The FAA is proposing this AD because after evaluating all known relevant information and determining that an unsafe condition is likely to exist or develop on other products of the same type designs.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin (ASB) No. AS332–56.00.10, Revision 0, dated July 16, 2015, for Model AS332-series helicopters; ASB No. EC155–56A006, Revision 0, dated August 10, 2015, for Model EC155-series helicopters; ASB No. EC225–56A008, Revision 0, dated July 16, 2015, for Model EC225LP helicopters; and ASB No. SA330–56.02, Revision 0, dated August 10, 2015, for Model SA330J helicopters. This service information specifies procedures to inspect the internal and external press-studs and to install self-gripping tape for press-studs that do not unbutton or are difficult to unbutton. This service information also specifies procedures to replace internal press-studs that are difficult to unbutton and a repetitive inspection for affected external press-studs until they are replaced.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Proposed AD Requirements

This proposed AD would require, within 50 hours time-in-service (TIS), inspecting each internal and external snap fastener to determine whether they unbutton by hand. For external snap fasteners that do not unbutton by hand, this proposed AD would require replacing the male part of the snap fastener, and installing self-gripping tape if it still does not unbutton by hand. Thereafter, this proposed AD would require inspecting the external extraction tape and self-gripping tape every 15 hours TIS and replacing any tape that is cracked, torn, disintegrated, worn, or missing, and then replacing the snap fasteners within 100 hours TIS. For internal snap fasteners that do not unbutton by hand, this proposed AD would require installing the self-gripping tape and then replacing the snap fasteners within 900 hours TIS.

Costs of Compliance

The FAA estimates that this proposed AD would affect 72 helicopters of U.S. Registry. Labor costs are estimated at $85 per work-hour. Based on these numbers, the FAA estimates that operators may incur the following costs in order to comply with this proposed AD.

Inspecting the snap fasteners would take about 1 work-hour for a cost of $85 per helicopter and $6,120 for the U.S. fleet. Installing self-gripping tape would take about 0.3 work-hour and parts would cost $200 for a cost of $226 per window. Inspecting the tape would take about 0.3 work-hour for a cost of $26 per window per inspection cycle. Replacing the extraction tape or self-gripping tape would take about 1 work-hour and parts would cost $200 for a total of $285 per window. Replacing a snap fastener would take about 1 work-hour and parts would cost $200 for a total of $285 per window.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866,

2. Will not affect intrastate aviation in Alaska, and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Airbus Helicopters: Docket No. FAA–2020–0916; Product Identifier 2015–SW–055–AD.

(a) Applicability

This airworthiness directive (AD) applies to Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, EC 155B, EC155B1, EC225LP, and SA330J helicopters, certificated in any category, with window extraction tape with snap fasteners installed.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a snap fastener to unbutton. This condition could result in failure of the window to jettison, preventing occupants from exiting the helicopter during an emergency.

(c) Comments Due Date

The FAA must receive comments by December 7, 2020.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

Within 50 hours time-in-service (TIS), inspect each internal and external snap fastener to determine if it can be unbuttoned by hand.

Note 1 to paragraph (e): Airbus Helicopters refers to the snap fastener as a ''press-stud.''

(1) If all internal and external snap fasteners can be unbuttoned by hand, no further action is required by this AD.

(2) If an external snap fastener does not unbutton by hand:

(i) Before further flight, replace the male part of the snap fastener and determine if the snap fastener can be unbuttoned by hand force. If the snap fastener still does not unbutton by hand, before further flight, install self-gripping tape.

(ii) Thereafter, at intervals not to exceed 15 hours TIS, inspect the external extraction tape and self-gripping tape for a crack, a tear, disintegration, or wear. If the extraction tape or self-gripping tape has a crack, a tear, any disintegration, wear, or is missing, before further flight, replace the tape. Replacing the extraction tape or self-gripping tape does not terminate this repetitive inspection.

(iii) Within 100 hours TIS, replace each external snap fastener by following the Accomplishment Instructions, paragraph 3.B.4., of Airbus Helicopters Alert Service Bulletin (ASB) No. AS332–56.00.10, Revision 0, dated July 16, 2015 (ASB AS332–56.00.10); ASB No. EC155–56A006, Revision 0, dated August 10, 2015 (ASB EC155–56A006); ASB No. EC225–56A008, Revision 0, dated July 16, 2015 (ASB EC225–56A008); or ASB No. SA330–56.02, Revision 0, dated August 10, 2015 (ASB SA330–56.02), as applicable to your model helicopter. Replacing the external snap fastener terminates the repetitive inspection requirements specified in paragraph (e)(2)(ii) of this AD.

(3) If an internal snap fastener does not unbutton by hand:

(i) Before further flight, install self-gripping tape by following the Accomplishment Instructions, paragraph 3.B.3., of AS332–56.00.10, ASB EC155–56A006, ASB EC225–56A008, or ASB SA330–56.02, as applicable to your model helicopter.

(ii) Within 900 hours TIS, replace each internal snap fastener by following the Accomplishment Instructions, paragraph 3.B.5., of ASB AS332–56.00.10, ASB EC155–56A006, ASB EC225–56A008, or ASB SA330–56.02, as applicable to your model helicopter.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: David Hatfield, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2015–0149, dated July 23, 2015; AD No. 2015–0168, dated August 13, 2015; and AD No. 2015–0169, dated August 13, 2015. You may view the EASA ADs on the internet at *https://www.regulations.gov* in the AD Docket.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 5600, Window/Windshield System.

Issued on October 13, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–22948 Filed 10–21–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0872; Airspace Docket No. 20–AGL–33]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Prairie Du Chien, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Prairie Du Chien Municipal Airport, Prairie Du Chien, WI. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Waukon VHF omnidirectional range (VOR) navigation aid as part of the VOR Minimum Operational Network (MON) Program. The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before December 7, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0872/Airspace Docket No. 20–AGL–33, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Prairie Du Chien Municipal Airport, Prairie Du Chien, WI, to support instrument flight rule operations at this airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory

decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0872/Airspace Docket No. 20–AGL–33.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.6-mile (decreased from a 9.3-mile) radius of Prairie Du Chien Municipal Airport, Prairie Du Chien, WI; removing the Waukon VORTAC and associated extension; adding an extension 1 mile each side of the 110° bearing from the airport extending from the 6.6-mile radius to 6.8 miles east of the airport; adding an extension 1 mile each side of the 140° bearing from the airport extending from the 6.6-mile radius to 10.4 miles southeast of the airport; adding an extension 1 mile each side of the 320° bearing from the airport extending from the 6.6-mile radius to 10.6 miles northwest of the airport; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review caused by the decommissioning of the Waukon VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL WI E5 Prairie Du Chien, WI [Amended]

Prairie Du Chien Municipal Airport, WI (Lat. 43°01′09″ N, long. 91°07′25″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Prairie Du Chien Municipal Airport, and within 1 mile each side of the 110° bearing from the airport extending from the 6.6-mile radius to 6.8 miles east of the airport, and within 1 mile each side of the 140° bearing from the airport extending from the 6.6-mile radius to 10.4 miles southeast of the airport, and within 1 mile each side of the 320° bearing from the airport extending from the 6.6-mile radius to 10.6 miles northwest of the airport.

Issued in Fort Worth, Texas, on October 13, 2020.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2020–22910 Filed 10–21–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0892; Airspace Docket No. 20–AWP–40]

RIN 2120–AA66

Proposed Revocation and Amendment of Class E Airspace; Bucholz Army Airfield Kwajalein Atoll, Republic of the Marshall Islands

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to remove the Class E airspace designated as an extension to the Class D airspace and amend the Class E airspace extending upward from 700 and 1,200 feet above ground level (AGL) at Bucholz Army Airfield (AAF), Kwajalein Atoll, Republic of the Marshall Islands. The Class E airspace extending upward from 700 feet would be amended to ensure it does not extend beyond 12 nautical miles (NM) from the outer shoreline of the Atoll into international airspace.

DATES: Comments must be received on or before December 7, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1(800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2020–0892; Airspace Docket No. 20–AWP–40 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Christopher McMullin, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers (FAA Docket No. FAA–2020–0892; Airspace Docket No. 20–AWP–40) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2020–0892; Airspace Docket No. 20–AWP–40.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

The FAA, in coordination with the United States Army conducted an evaluation of the Bucholz AAF, Kwajalein Atoll, Republic of the Marshall Islands airspace to ensure it met airspace criteria and was the minimum necessary for terminal air traffic operations at the airport. Upon review, it was determined that the existing airspace and associated amendments accomplished since the Republic of the Marshall Islands achieved self-governance in 1979 and full sovereignty in 1986, have continued without recognition or consideration of that sovereignty. The airspace evaluation revealed that the lateral boundaries of the domestic Class E airspace, extending upward from 1,200 feet AGL, are established in international airspace, beyond 12 NM

from the Atoll. Oakland Oceanic Air Route Traffic Control Center (ARTCC) does not use the existing Class E domestic airspace while providing enroute air traffic services, so the additional airspace beyond 12 NM is not required.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by removing the Class E airspace designated as an extension to the Class D and modifying the Class E airspace extending upward from 700 feet AGL at Bucholz AAF, Kwajalein Island.

The FAA proposes to remove the Class E4 airspace as aircraft using the published approaches do not descend below 1,000 feet more than 2 miles outside the Bucholtz AAF Class D surface area. Thus, the airspace does not meet the requirements for a Class E airspace area designated as an extension to a Class D.

In addition, the FAA proposes to amend the Class E airspace extending upward from 700 feet above the surface of the earth by removing that airspace extending upward from 1,200 feet AGL within a 100-mile radius of the airport and add language to exclude anything beyond the U.S. Territorial Zone. Oakland Oceanic ARTCC does not require the additional airspace to provide enroute air traffic services.

Class E Airspace Areas Designated as an extension to a Class D or Class E Surface Area, and Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth are published in section 6004, and 6005 of FAA Order 7400.11E dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR part 71.1. The Airspace listed in this document will be subsequently published in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

ICAO Considerations

As part of this proposal relates to navigable airspace outside the United States, this notice is submitted in accordance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices. The application of International Standards and Recommended Practices by the FAA, Office of Policy, Rules and Regulations Group, in areas outside the United States domestic airspace, is governed by the Convention on International Civil Aviation. Specifically, the FAA is governed by Article 12 and Annex 11, which pertain to the establishment of necessary air navigational facilities and services to promote the safe, orderly, and expeditious flow of civil air traffic. The purpose of Article 12 and Annex 11 is to ensure that civil aircraft operations on international air routes are performed under uniform conditions.

The International Standards and Recommended Practices in Annex 11 apply to airspace under the jurisdiction of a contracting state, derived from ICAO. Annex 11 provisions apply when air traffic services are provided and a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting this responsibility may apply the International Standards and Recommended Practices that are consistent with standards and practices utilized in its domestic jurisdiction.

In accordance with Article 3 of the convention, state-owned aircraft are exempt from the Standards and Recommended Practices of Annex 11. The United States is a contracting state to the Convention. Article 3(d) of the Convention provides that participating state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020 and effective September 15, 2020, is amended as follows:

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

AWP RM E4 Kwajalein Island, Marshall Islands, RMI [Removed]

Bucholz AAF (Kwajalein KMR) (ATOLL), Kwajalein Island
(Lat. 08°43′12″ N, long. 167°43′54″ E)

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AWP RM E5 Kwajalein Island, Marshall Islands, RMI [Amended]

Bucholz AAF (Kwajalein KMR) (ATOLL), Kwajalein Island
(Lat. 08°43′12″ N, long. 167°43′54″ E)

That airspace extending upward from 700 feet above the surface of the earth within a 12-mile radius of Bucholz AAF (Kwajalein KMR) (ATOLL), excluding that airspace that extends beyond 12 miles from and parallel to the Kwajalein outer shoreline.

* * * * *

Issued in Washington, DC, on October 13, 2020.

Scott M. Rosenbloom,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2020–22955 Filed 10–21–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0871; Airspace Docket No. 20–AGL–32]

RIN 2120–AA66

Proposed Amendment of Class D and Class E Airspace and Revocation of Class E Airspace; Muskegon, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D and Class E airspace and revoke Class E airspace designated as an extension to Class D and Class E surface areas at Muskegon County Airport, Muskegon, MI. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Muskegon VHF omnidirectional range (VOR) navigation aid as part of the VOR Minimum Operational Network (MON) Program. The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before December 7, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0871/Airspace Docket No. 20–AGL–32, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface, and revoke the Class E airspace designated as an extension to Class D and Class E surface areas at Muskegon County Airport, Muskegon, MI, to support instrument flight rule operations at this airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0871/Airspace Docket No. 20–AGL–32.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Amending the Class D airspace to within a 4.3-mile (increased from a 4.2-mile) radius of Muskegon County Airport, Muskegon, MI; updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amending the Class E surface area to within a 4.3-mile (increased from a 4.2-mile) radius of Muskegon County Airport; removing the extension as it is no longer required; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Revoking the Class E airspace area designated as an extension to Class D and Class E surface areas at Muskegon County Airport as it is no longer required;

And amending the Class E airspace extending upward from 700 feet above the surface at Muskegon County Airport by removing the Muskegon VORTAC and associated extensions as they are no longer required; removing the extensions southeast and northwest of the airport as they is no longer required; and updating geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review caused by the decommissioning of the Muskegon VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

Class D and E airspace designations are published in paragraph 5000, 6002, 6004, and 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AGL MI D Muskegon, MI [Amended]

Muskegon County Airport, MI
(Lat. 43°10′04″ N, long. 86°14′08″ W)

That airspace extending upward from the surface to and including 3,100 feet MSL within a 4.3-mile radius of Muskegon County Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

AGL MI E2 Muskegon, MI [Amended]

Muskegon County Airport, MI
(Lat. 43°10′04″ N, long. 086°14′08″ W)

Within a 4.3-mile radius of the Muskegon County. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airman. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

AGL MI E4 Muskegon, MI [Removed]

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MI E5 Muskegon, MI [Amended]

Muskegon County Airport, MI
(Lat. 43°10′04″ N, long. 86°14′08″ W)
Grand Haven Memorial Airpark, MI
(Lat. 43°02′03″ N, long. 86°11′53″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Muskegon County Airport, and within a 6.4-mile radius of the Grand Haven Memorial Airpark.

Issued in Fort Worth, Texas, on October 13, 2020.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2020–22912 Filed 10–21–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0880; Airspace Docket No. 20–AGL–37]

RIN 2120–AA66

Proposed Amendment of Class D and Class E Airspace and Establishment of Class E Airspace; Marquette, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D and Class E airspace and establish a Class E airspace area designated as an extension to Class D and Class E surface areas at Sawyer International Airport, Marquette, MI. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Iron Mountain VHF omnidirectional range (VOR) navigation aid as part of the VOR Minimum Operational Network (MON) Program. The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before December 7, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0880/Airspace Docket No. 20–AGL–37, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket

containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class D airspace, the Class E surface area, and the Class E airspace extending upward from 700 feet above the surface and establish a Class E airspace area designated as an extension to a Class D and Class E surface area at Sawyer International Airport, Marquette, MI, to support instrument flight rule operations at this airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0880/Airspace Docket No. 20–AGL–37.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the ''**ADDRESSES**'' section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Amending the Class D airspace at Sawyer International Airport, Marquette, MI, by updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; removing the city associated with the airport to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amending the Class E surface airspace at Sawyer International Airport by updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; removing the city associated with the airport to comply with changes to FAA Order 7400.2M; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Establishing a Class E airspace area designated as an extension to Class D and Class E surface areas within 2.4 miles each side of the 022° bearing from the Sawyer VOR extending from the 4.6-mile radius of the Sawyer International Airport to 7 miles north of the Sawyer VOR;

And amending the Class E airspace extending upward from 700 feet above the surface at Sawyer International Airport by updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and removing the airspace extending upward from 1,200 feet above the surface and the exclusionary language as they are no longer required.

This action is the result of an airspace review caused by the decommissioning of the Iron Mountain VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

Class D and Class E airspace designations are published in paragraph 5000, 6002, 6004, and 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established

body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AGL MI D Marquette, MI [Amended]

Sawyer International Airport, MI
(Lat. 46°20′57″ N, long. 87°23′47″ W)

That airspace extending upward from the surface to and including 3,700 feet MSL within a 4.6-mile radius of the Sawyer International Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

AGL MI E2 Marquette, MI [Amended]

Sawyer International Airport, MI
(Lat. 46°20′57″ N, long. 87°23′47″ W)

That airspace extending upward from the surface within a 4.6-mile radius of the Sawyer International Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designates as an Extension to a Class D or Class E Surface Area.

* * * * *

AGL MI E4 Marquette, MI [Establish]

Sawyer International Airport, MI
(Lat. 46°20′57″ N, long. 87°23′47″ W)
Sawyer VOR
(Lat. 46°21′32″ N, long. 87°23′51″ W)

Within 2.4 miles each side of the 022° bearing from the Sawyer VOR extending from the 4.6-mile radius of Sawyer International Airport to 7 miles north of the Sawyer VOR.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MI E5 Marquette, MI [Amended]

Sawyer International Airport, MI
(Lat. 46°20′57″ N, long. 87°23′47″ W)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of the Sawyer International Airport.

Issued in Fort Worth, Texas, on October 13, 2020.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2020–22916 Filed 10–21–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0878; Airspace Docket No. 20–AGL–35]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Warroad, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Warroad International Memorial Airport, Warroad, MN. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Baudette VHF omnidirectional range (VOR) navigation aid as part of the VOR Minimum Operational Network (MON) Program. The name and geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before December 7, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0878/Airspace Docket No. 20–AGL–35, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs,

describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Warroad International Memorial Airport, Warroad, MN, to support instrument flight rule operations at this airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0878/Airspace Docket No. 20–AGL–35.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.6-mile (decreased from a 7-mile) radius of Warroad International Memorial Airport, Warroad, MN; removing the exclusionary language from the airspace legal description as it is no longer required; and updating the name (previously Warroad International-Swede Carlson Field) and geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review caused by the decommissioning of the Baudette VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MN E5 Warroad, MN [Amended]

Warroad International Memorial Airport, MN
(Lat. 48°56′29″ N, long. 95°20′55″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Warroad International Memorial Airport.

Issued in Fort Worth, Texas, on October 13, 2020.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2020–22913 Filed 10–21–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0877; Airspace Docket No. 20–ASW–8]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Mineola and Kenedy, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Mineola Wisener Field, Mineola, TX, and Kenedy Regional Airport, Kenedy, TX. The FAA is proposing this action as the result of airspace reviews caused by the decommissioning of the Quitman and Three Rivers VHF omnidirectional range (VOR) navigation aids as part of the VOR Minimum Operational Network (MON) Program. The name of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before December 7, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0877/Airspace Docket No. 20–ASW–8, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Mineola Wisener Field, Mineola, TX, and Kenedy Regional Airport, Kenedy, TX, to support instrument flight rule operations at these airports.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0877/Airspace Docket No. 20–ASW–8.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Amending the Class E airspace extending upward from 700 feet above the surface to within a 6-mile (decreased from a 6.3-mile) radius of Mineola Wisener Field, Mineola, TX;

And amending the Class E airspace extending upward from 700 feet above the surface at Kenedy Regional Airport, Kenedy, TX, by removing the Three Rivers VORTAC and the associated extensions from the airspace legal

description; updating the name of the airport (previously Karnes County Airport) to coincide with the FAA's aeronautical database; and removing the city associated with the airport to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters.

This action is the result of airspace reviews caused by the decommissioning of the Quitman and Three Rivers VORs, which provided navigation information for the instrument procedures these airports, as part of the VOR MON Program.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW TX E5 Mineola, TX [Amended]

Mineola Wisener Field, TX
(Lat. 32°40′36″ N, long. 95°30′39″ W)
Wood County Airport-Collins Field, TX
(Lat. 32°44′32″ N, long. 95°29′47″ W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mineola Wisener Field, and within a 6.4-mile radius of Wood County Airport-Collins Field, and within 3.8 miles east and 5.7 miles west of the 182° bearing from the Wood County Airport-Collins Field extending from the 6.4-mile radius of Wood County Airport-Collins Field to 21.3 miles south of Wood County Airport-Collins Field.

* * * * *

ASW TX E5 Kenedy, TX [Amended]

Kenedy Regional Airport, TX
(Lat. 28°49′30″ N, long. 97°51′56″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Kenedy Regional Airport.

Issued in Fort Worth, Texas, on October 13, 2020.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2020–22915 Filed 10–21–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0887; Airspace Docket No. 20–ACE–22]

RIN 2120–AA66

Proposed Amendment Class E Airspace; Elkhart, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Elkhart-Morton County Airport, Elkhart, KS. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Elkhart non-directional beacon (NDB).

DATES: Comments must be received on or before December 7, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0887/Airspace Docket No. 20–ACE–22 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101

Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Elkhart-Morton County Airport, Elkhart, KS, to support instrument flight rule operations at this airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0887/Airspace Docket No. 20–ACE–22.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace extending upward from 700 feet above the surface at Elkhart-Morton County Airport, Elkhart, KS, by removing the Elkhart NDB an associated extensions from the airspace legal description.

This action is due to an airspace review caused by the decommissioning of the Elkhart NDB, which provided navigational information to the instrument procedures at this airport.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE KS E5 Elkhart, KS [Amended]

Elkhart-Morton County Airport, KS
(Lat. 37°00′03″ N, long. 101°52′48″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Elkhart-Morton County Airport.

Issued in Fort Worth, Texas, on October 13, 2020.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2020–22914 Filed 10–21–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 16

[FAR Case 2020–004; Docket No. FAR–2020–0004, Sequence No. 1]

RIN 9000–AO04

Federal Acquisition Regulation: Application of Micro-Purchase Threshold To Task and Delivery Orders

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement a section of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 that raises the threshold for fair opportunity on certain task and delivery orders to the micro-purchase threshold.

DATES: Interested parties should submit written comments at the address shown below on or before December 21, 2020 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to FAR Case 2020–004 to *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''FAR Case 2020–004''. Select the link ''Comment Now'' that corresponds with ''FAR Case 2020–004.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''FAR Case 2020–004'' on your attached document. If your comment cannot be submitted using *https://www.regulations.gov,* call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite ''FAR Case 2020–004'' in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *https://www.regulations.gov,* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Michael O. Jackson, Procurement Analyst, at 202–208–4949 or by email at *michaelo.jackson@gsa.gov.* For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite ''FAR Case 2020–004''.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are proposing to amend the FAR to implement section 826 of the NDAA for FY 2020 (Pub. L. 116–92) which increases the threshold for requiring fair opportunity on orders under multiple-award contracts from $2,500 to the ''micro-purchase threshold''. The fair opportunity to compete at FAR 16.505(b)(1) applies to orders over the threshold unless an exception at FAR 16.505(b)(2) applies. The FAR threshold at 16.505 is currently $3,500, as a result of inflation adjustments in accordance with FAR 1.109. This change applies the word-based threshold to ensure continued alignment with any future changes to the thresholds.

FAR Case 2018–004 was published July 2, 2020 (85 FR 40064) with an effective date of August 31, 2020. It raised the micro-purchase threshold, as defined at FAR 2.101, to $10,000.

II. Discussion and Analysis

FAR section 16.505 currently requires contracting officers to provide each awardee a fair opportunity to be considered for each order exceeding $3,500 under multiple-award delivery-order or task-order contracts unless an exception applies. This rule proposes to change the threshold for requiring fair opportunity from $3,500 to the ''micro-purchase threshold'' at FAR 16.505(b)(1)(i), 16.505(b)(2)(i), and 16.505(b)(2)(ii)(A). While the rule does not prohibit a contracting officer from providing fair opportunity to each awardee at or below the micro-purchase threshold, the rule requires contracting officers to provide fair opportunity for orders exceeding the micro-purchase threshold unless an exception applies.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

This proposed rule does not create any new provisions or clauses, nor does it change the applicability of any existing provisions or clauses included in solicitations and contracts valued at or below the SAT, or for commercial items, including COTS items.

IV. Expected Cost Savings

DoD, GSA and NASA have performed a regulatory cost analysis for this proposed rule. This rule is expected to reduce the public burden because the threshold increase will reduce costs to submit an offer for the unsuccessful awardees who participate in fair opportunity competitions for orders under FAR part 16. DoD, GSA, and NASA recognize some awardees may be impacted by a reduction in the number of opportunities an awardee may have to receive an award of a delivery or task order through fair opportunity. Using Federal Procurement Data System (FPDS) data from FY 2017 through FY 2019 for FAR part 16 task and delivery orders awarded using fair opportunity between $3,500 and $10,000, the average number of fair opportunity task or delivery orders under FAR part 16 procedures is approximately 9,800 orders annually. We estimate that the Government receives an average of three offers for each of the 9,800 task or delivery orders, resulting in an estimated 19,600 (9,800 × 2) unsuccessful offers. We assume there are costs to submit the offers for the estimated 19,600 unsuccessful offers, which will be eliminated by this rule. We estimate the public cost savings to be $266,070 annually using a fully burdened GS–12 step 5 salary from 2019 (19,600 offers × 0.25 hour × $54.30).

DoD, GSA and NASA recognize that the increase in the micro-purchase threshold (MPT) in FAR Case 2018–004 (84 FR 52420 on October 2, 2019) has resulted in an increased use of the Governmentwide commercial purchase card and a general reduction in the number of FAR part 16 delivery and task orders awarded between $3,500 and $10,000. According to FPDS, there were 12,911 fair opportunity FAR part 16 awards between $3,500 and $10,000 in FY 2017. In contrast, there were 6,421 awards in FY 2019; a drop by almost 50%. This decrease can be attributed to the preference given to the Governmentwide commercial purchase card for procurements under the MPT. While it's unclear whether there will be

further decreases in the number of FAR part 16 fair opportunity awards, it is clear that the increased MPT implemented by FAR Case 2018–004 has already reduced the public and Government burden by approximately 50% by shifting procurements from FAR part 16 delivery and task orders to Governmentwide commercial purchase cards.

DoD, GSA and NASA expect the rule to also reduce burden on the Government and streamline procurements for FAR part 16 orders below the MPT, or $10,000. Contracting officers will not be required to review multiple offers to make award. It is estimated that on average an hour would be saved per order awarded since the contracting officer would no longer need to review multiple offers to award the order. We estimate the Government cost savings to be $532,140 annually using a fully burdened GS–12 step 5 salary from 2019 (9,800 awards × 1 hour × $54.30).

The following is a summary of the estimated cost savings calculated in 2016 dollars at a 7% discount rate and in perpetuity.

Summary	Public	Government	Total
Present Value Cost Savings	−$3,801,000	−$7,602,000	−$11,403,000
Annualized Cost Savings	−266,070	−532,140	−798,210
Annualized Value Cost Savings as of 2016 if Year 1 is 2020	−202,984	−405,967	−608,951

DoD, GSA and NASA invite comments from the regulated community on both the methodology and the analysis provided in this rule.

V. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

VI. Executive Order 13771

This proposed rule is expected to be an E.O. 13771 deregulatory action. Information on the estimated cost savings of this rule are discussed in the ''Expected Cost Savings'' section of the preamble.

VII. Regulatory Flexibility Act

DoD, GSA, and NASA do not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* However, an initial regulatory flexibility analysis (IRFA) has been performed and is summarized as follows:

This proposed rule amends the Federal Acquisition Regulation to implement section 826 of the National Defense Authorization Act (NDAA) for 2020 (Pub. L. 116–92) which raises the threshold for fair opportunity on certain task and delivery orders to the word-based, ''micro-purchase threshold''.

The objective of the rule is to increase the threshold for requiring fair opportunity on FAR part 16 orders under multiple-award contracts from $2,500 to the word-based, ''micro-purchase threshold'' for consistency of application and alignment with future adjustments. The legal basis for the rule is section 826 of the NDAA for FY 2020 (Pub. L. 116–92).

This rule will likely affect small business entities that participate in fair opportunity competitions for FAR part 16 task and delivery orders under multiple award contracts conducted by the Federal Government between $3,500 and $10,000. The rule is not expected to have a significant economic impact on small business entities because DoD, GSA, and NASA do not expect a significant change in the number of orders awarded to small entities; however, in certain circumstances it is expected to reduce the costs associated with developing and submitting a response to task and delivery order competitions for actions up to $10,000. To assess the impact of the threshold increase, data was obtained from FPDS. For FY 2017 through FY 2019, there was an average of 9,803 FAR part 16 task and delivery orders awarded using fair opportunity between $3,500 and $10,000. Of these actions, an average of 5,852 were awarded to 843 unique small business entities. As a result of this rule, it is assumed that approximately 843 small business entities may experience a reduction in proposal costs on task and delivery orders valued between $3,500 and $10,000.

The proposed rule does not impose any Paperwork Reduction Act reporting or recordkeeping requirements on any small entities.

The proposed rule does not duplicate, overlap, or conflict with any other Federal rules.

There are no known significant alternative approaches to the proposed rule that would meet the proposed objectives.

The Regulatory Secretariat Division has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat Division. DoD, GSA and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by this rule consistent with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2020–004) in correspondence.

VIII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 16

Government procurement.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA are proposing to amend 48 CFR part 16 as set forth below:

PART 16—TYPES OF CONTRACTS

■ 1. The authority citation for 48 CFR part 16 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

16.505 [Amended]

■ 2. Amend section 16.505 by—

■ a. Removing from paragraph (b)(1)(i) introductory text ''$3,500'' and adding ''the micro-purchase threshold'' in its place;

■ b. Removing from paragraph (b)(2)(i) introductory text ''delivery-order or task-order exceeding $3,500'' and adding ''delivery order or task order exceeding the micro-purchase threshold'' in its place; and

■ c. Removing from the intro text paragraph (b)(2)(ii)(A) ''*$3,500*'' and adding ''*the micro-purchase threshold*'' in its place.

[FR Doc. 2020–22518 Filed 10–21–20; 8:45 am]

BILLING CODE 6820–EP–P

Notices

Federal Register

Vol. 85, No. 205

Thursday, October 22, 2020

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket No. RUS–20–ELECTRIC–0040]

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by December 21, 2020.

FOR FURTHER INFORMATION CONTACT: Pamela Bennett, Rural Development Innovation Center, Regulations Management Division, U.S. Department of Agriculture, 1400 Independence Avenue SW, STOP 0793, Room 4015, South Building, Washington, DC 20250–0793. Telephone: (202) 720–9639. Email: *pamela.bennett@usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended; Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for revision.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the collection including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent by the Federal eRulemaking Portal: Go to *http://www.regulations.gov* and, in the lower ''Search Regulations and Federal Actions'' box, select ''Rural Utilities Service'' from the agency drop-down menu, then click on ''Submit.'' In the Docket ID column, select RUS–20–ELECTRIC–0040 to submit or view public comments and to view supporting and related materials available electronically. Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.

Title: 7 CFR 1726, Electric System Construction Policies and Procedures.

OMB Control Number: 0572–0107.

Type of Request: Revision of a currently approved collection.

Abstract: In order to facilitate the programmatic interest of the Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.* (RE Act), and, in order to assure that loans made or guaranteed by RUS are adequately secured, RUS, as a secured lender, has established certain standards and specifications for materials, equipment, and construction of electric systems. The use of standard forms, construction contracts, and procurement procedures helps assure that appropriate standards and specification are maintained, that RUS' loan security is not adversely affected, and the loan and loan guarantee funds are used effectively and for the intended purposes. The list of forms and corresponding purposes for this information collection are as follows:

1. RUS Form 168b, Contractor's Bond. This form is used to provide a surety bond for contracts on RUS Forms 200, 257, 786, 790, & 830.

2. RUS Form 168c, Contractor's Bond (less than $1 million). This form is used to provide a surety bond in lieu of RUS Form 168b, when contractor's surety has accepted a small business administration guarantee.

3. RUS Form 187, Certificate of Completion-Contract Construction. This form is used for the closeout of RUS Forms 200, 257, 786, and 830.

4. RUS Form 198, Equipment Contract. This form is used for equipment purchases.

5. RUS Form 200, Construction Contract-Generating. This form is used for generating plant construction or for the furnishing and installation of major items of equipment.

6. RUS Form 213, Certificate (''Buy American''). This form is used to document compliance with the ''Buy American'' requirement.

7. RUS Form 224, Waiver and Release of Lien. This form is used by subcontractors to provide a release of lien in connection with the closeout of RUS Forms 198, 200, 257, 786, 790, and 830.

8. RUS Form 231, Certificate of Contractor. This form is used for the closeout of RUS Forms 198, 200, 257, 786, and 830.

9. RUS Form 238, Construction or Equipment Contract Amendment. This form is used to amend contracts except for distribution line construction contracts.

10. RUS Form 254, Construction Inventory. This form is used to document the final construction in connection with the closeout of RUS Form 830.

11. RUS Form 257, Contract to Construct Buildings. This form is used to construct headquarter buildings, generating plant buildings and other structure construction.

12. RUS Form 307, Bid Bond. This form is used to provide a bid bond in RUS Forms 200, 257, 786, 790 and 830.

13. RUS Form 786, Electric System Communications and Control Equipment Contract. This form is used for delivery and installation of equipment for system communications.

14. RUS Form 790, Electric System Construction Contract Non-Site Specific Construction (Notice and Instructions to Bidders). This form is used for limited distribution construction accounted for under work order procedure.

15. RUS Form 792b, Certificate of Contractor and Indemnity Agreement (Line Extensions). This form is used in the closeout of RUS Form 790.

16. RUS Form 830, Electric System Construction Contract (labor & material). This form is used for distribution and/or transmission project construction.

Respondents: Businesses or other for profits; Not-for-profit institutions.

Estimated Number of Respondents: 827.

Estimated Number of Responses per Respondent: 4.

Estimated number of Total Responses: 3,320.

Estimated Total Annual Burden on Respondents: 82 hours.

Copies of this information collection can be obtained from Pamela Bennett, Rural Development Innovation Center, Regulations Management Division, at (202) 720–9639. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Chad Rupe,

Administrator. Rural Utilities Service.

[FR Doc. 2020–23378 Filed 10–21–20; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Federal Economic Statistics Advisory Committee Meeting

AGENCY: Bureau of Economic Analysis, U.S. Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of Economic Analysis (BEA) is giving notice of a meeting of the Federal Economic Statistics Advisory Committee (FESAC). The Committee advises the Under Secretary for Economic Affairs, the Directors of the Bureau of Economic Analysis and the Census Bureau, and the Commissioner of the U.S. Department of Labor's Bureau of Labor Statistics (BLS) on statistical methodology and other technical matters related to the collection, tabulation, and analysis of federal economic statistics. Email Gianna Marrone, *gianna.marrone@bea.gov,* by December 4, 2020, to attend. An agenda will be accessible prior to the meeting at *www.bea.gov/fesac.*

DATES: December 11, 2020. The meeting begins at approximately 9:30 a.m. and adjourns at approximately 2:15 p.m.

ADDRESSES: The safety and well-being of the public, committee members, and our staff is our top priority. In light of the travel restrictions and social-distancing requirements resulting from the COVID–19 outbreak, this meeting will be held virtually.

FOR FURTHER INFORMATION CONTACT: Gianna Marrone, Program Analyst, U.S. Department of Commerce, Bureau of Economic Analysis, 4600 Silver Hill Road (BE–64), Suitland, MD 20746; phone (301) 278–9282; email *gianna.marrone@bea.gov.*

SUPPLEMENTARY INFORMATION: FESAC members are appointed by the Secretary of Commerce. The Committee advises the Under Secretary for Economic Affairs, BEA and Census Bureau Directors, and the Commissioner of the Department of Labor's BLS on statistical methodology and other technical matters related to the collection, tabulation, and analysis of federal economic statistics. The Committee is established in accordance with the Federal Advisory Committee Act (5 U.S.C. App. § 2).

This meeting is open to the public. Anyone planning to attend the meeting must contact Gianna Marrone at BEA (301) 278–9282 or *gianna.marrone@bea.gov.* The call-in number, access code, and presentation link will be posted 24 hours prior to the meeting on *https://apps.bea.gov/fesac/.* The meeting is accessible to people with disabilities. Requests for foreign language interpretation or other auxiliary aids should be directed to Gianna Marrone at *gianna.marrone@bea.gov* by December 4, 2020.

Persons with extensive questions or statements must submit them in writing by December 4, 2020, to Gianna Marrone, *gianna.marrone@bea.gov.*

This meeting is accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gianna Marrone, *gianna.marrone@bea.gov,* preferably two weeks prior to the meeting.

Dated: 16 October, 2020.

Kyle Hood,

Designated Federal Officer, Bureau of Economic Analysis.

[FR Doc. 2020–23399 Filed 10–21–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Bureau of Economic Analysis Advisory Committee Meeting

AGENCY: Bureau of Economic Analysis, U.S. Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, the Bureau of Economic Analysis (BEA) announces a meeting of the Bureau of Economic Analysis Advisory Committee. The meeting will address proposed improvements, extensions, and research related to BEA's economic accounts. In addition, the meeting will include an update on recent statistical developments.

DATES: Friday, November 13, 2020. The meeting begins at 10:00 a.m. and adjourns at 2:00 p.m.

ADDRESSES: The safety and well-being of the public, committee members and staff is the bureau's top priority. In light of the travel restrictions and social-distancing requirements resulting from the COVID–19 outbreak, this meeting will be held virtually.

FOR FURTHER INFORMATION CONTACT: Gianna Marrone, Program Analyst, U.S. Department of Commerce, Bureau of Economic Analysis, Suitland, MD 20746; phone (301) 278–9282.

Public Participation: This meeting is open to the public. Anyone planning to attend the meeting must contact Gianna Marrone at BEA (301) 278–9282 or *gianna.marrone@bea.gov.* The call-in number, access code, and presentation link will be posted 24 hours prior to the meeting on *https://www.bea.gov/about/bea-advisory-committee.* The meeting is accessible to people with disabilities. Requests for foreign language interpretation or other auxiliary aids should be directed to Gianna Marrone at (301) 278–9282 by November 6, 2020.

SUPPLEMENTARY INFORMATION: The Committee was established September 2, 1999. The Committee advises the Director of BEA on matters related to the development and improvement of BEA's national, regional, industry, and international economic accounts, with a focus on new and rapidly growing areas of the U.S. economy. The committee provides recommendations from the perspectives of the economics profession, business, and government.

Dated: October 16, 2020.

Shaunda Villones,

Designated Federal Officer, Bureau of Economic Analysis.

[FR Doc. 2020–23401 Filed 10–21–20; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[10/1/2020 through 10/8/2020]

Firm name	Firm address	Date accepted for investigation	Product(s)
MacDonald and Owen Veneer and Lumber Company, Inc.	1500 West City Highway 16, West Salem, WI 54669.	10/1/2020	The firm manufactures hardwood lumber.
Center Tool Company, Inc	250 Industrial Drive, Hampshire, IL 60140.	10/5/2020	The firm manufactures miscellaneous metal parts.
DuraTech Industries International, Inc	3780 Highway 281 SE, Jamestown, ND 58401.	10/6/2020	The firm manufactures wood grinders and wood chippers.
Ultimate Machining & Engineering, Inc	14015 South Van Dyke Road, Plainfield, IL 60544.	10/6/2020	The firm manufactures miscellaneous metal parts and assemblies.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Bryan Borlik,

Director.

[FR Doc. 2020–23431 Filed 10–21–20; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–836]

Glycine From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on glycine from the People's Republic of China (China), covering the period March 1, 2019 through February 29, 2020. Commerce preliminarily determines that Studio Disrupt, Mulji Mehta Enterprises (Mulji Mehta), Kumar Industries (Kumar), and Baoding Mantong Fine Chemistry Co., Ltd. (Baoding Mantong) did not have shipments of subject merchandise during the period of review (POR). Additionally, Commerce preliminarily finds Avid Organics Private Limited (Avid) to be part of the China-wide entity. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable October 22, 2020.

FOR FURTHER INFORMATION CONTACT: John C. McGowan, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3019.

SUPPLEMENTARY INFORMATION:

Background

On March 2, 2020, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on glycine from China for the POR.[1] On May 6, 2020, in response to a timely request from the petitioner,[2] and in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on glycine from China with respect to Avid; Studio Disrupt; Mulji Mehta; Kumar; and Baoding Mantong.[3] On July 21, 2020, Commerce tolled all deadlines in administrative reviews by 60 days, thereby extending the deadline for these preliminary results until February 1, 2021.[4]

Scope of the Order

The product covered by this antidumping duty order is glycine, which is a free-flowing crystalline material, like salt or sugar. Glycine is produced at varying levels of purity and is used as a sweetener/taste enhancer, a buffering agent, reabsorbable amino acid, chemical intermediate, and a metal complexing agent. This proceeding includes glycine of all purity levels. Glycine is currently classified under subheading 2922.49.4020 of the Harmonized Tariff Schedule of the United States (HTSUS).[5] Although the

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 85 FR 12267 (March 2, 2020).

[2] The petitioner is GEO Specialty Chemical Inc. *See* Petitioner's Letter, ''Glycine from the People's Republic of China (A–570–836): Request for Administrative Review,'' dated March 31, 2020.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 26931, 26935 (May 6, 2020).

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020. In accordance with Commerce's practice, where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[5] In separate scope rulings, Commerce determined that: (a) D(-) Phenylglycine Ethyl Dane Salt is outside the scope of the order; and (b) PRC-origin glycine exported from India remains the same class or kind of merchandise as the Chinese-origin glycine imported into India. *See Notice of Scope*

HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under the order is dispositive.

Preliminary Determination of No Shipments

For the purpose of respondent selection, on May 12, 2020, we requested U.S. Customs and Border Protection (CBP) data. This query returned no entries by the companies subject to this administrative review during the POR.[6] Subsequently, we received timely submissions from Studio Disrupt; Mulji Mehta; Kumar; and Baoding Mantong, certifying that they did not have sales, shipments, or exports of subject merchandise to the United States during the POR. In order to confirm these certifications, we issued inquiries to CBP requesting that CBP alert Commerce if CBP has any information contrary to these no shipment claims.[7] On August 20, 2020, we received notification from CBP that there is no information contrary to the no shipment claims.[8]

Because we have not received information to the contrary from CBP, consistent with our practice, we preliminarily determine that Studio Disrupt; Mulji Mehta; Kumar; and Baoding Mantong had no shipments of subject merchandise during the POR.[9]

China-Wide Entity

Under Commerce's policy regarding the conditional review of the China-wide entity,[10] the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review, and the entity's rate (*i.e.,* 155.89 percent) is not subject to change.[11] Aside from the no shipment companies, discussed above, Commerce considers all companies for which a review was requested and which did not file a separate rate application or a no shipment certification letter (*i.e.,* Avid) not eligible for a separate rate and, accordingly, to be part of the China-wide entity.

Public Comment

Pursuant to 19 CFR 351.309(c)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the case briefs are filed.[12]

Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[13] Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each brief: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[14] Executive summaries should be limited to five pages total, including footnotes.[15] Case and rebuttal briefs should be filed using ACCESS.[16]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[17] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of these preliminary results in the **Federal Register**, unless otherwise extended.[18]

Assessment Rates

Upon issuing the final results of this review, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[19] Commerce intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. We intend to instruct CBP to liquidate entries of subject merchandise exported by the China-wide entity, including the five companies for which a review was requested, at the China-wide rate. Additionally, pursuant to Commerce's practice in non-market economy (NME) cases, any suspended entries of subject merchandise during the POR under case numbers for the companies for which a review was requested will be liquidated at the China-wide rate.[20]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed China and non-China exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity, which is 155.89 percent; and (3) for all non-China exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the China exporter that supplied that non-China exporter.

Rulings and Anticircumvention Inquiries, 62 FR 62288 (November 21, 1997); and *Glycine from the People's Republic of China: Final Partial Affirmative Determination of Circumvention of the Antidumping Duty Order,* 77 FR 73426 (December 10, 2012), respectively.

[6] *See* Memorandum, ''Glycine from the People's Republic of China; 2019–2020: Release of U.S. Customs and Border Protection Import Data,'' dated May 12, 2020.

[7] *See* CBP message numbers 0230401, 0230402, 0230403, and 0230404, dated August 17, 2020, and available at *https://aceservices.cbp.dhs.gov/adcvdweb/.*

[8] *See* Memorandum, ''Glycine from the People's Republic of China (A–570–836) (A–533–975): No shipment inquiries with respect to the companies below during the period 03/01/2019 through 02/29/2020,'' dated August 20, 2020.

[9] *See, e.g., Certain Steel Threaded Rod from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2018–2019,* 84 FR 71900 (December 30, 2019).

[10] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[11] *See, e.g., Diamond Sawblades and Parts Thereof from the People's Republic of China; Final Results of Antidumping Duty Administrative Review; 2012–2013,* 80 FR 32344, 32345 (June 8, 2015).

[12] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006, 17007 (March 26, 2020) (*Temporary Rule*).

[13] *See* 19 CFR 351.303 (for general filing requirements); *see also Temporary Rule;* and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[14] *See* 19 CFR 351.309(c)(2) and (d)(2).

[15] *Id.*

[16] *See* 19 CFR 351.303.

[17] *See* 19 CFR 351.310(c).

[18] *See* section 751(a)(3)(A) of the Act.

[19] *See* 19 CFR 351.212(b).

[20] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these PORs. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: October 15, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–23427 Filed 10–21–20; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–814]

Chlorinated Isocyanurates from Spain: Rescission of Antidumping Duty Administrative Review: 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty (AD) order on chlorinated isocyanurates from Spain for the period of review (POR) June 1, 2019, through May 31, 2020, based on the timely withdrawal of the request for review.

DATES: Applicable October 22, 2020.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4261.

SUPPLEMENTARY INFORMATION:

Background

On June 2, 2020, Commerce published a notice of opportunity to request an administrative review of the AD order on chlorinated isocyanurates from Spain for the POR.[1] On June 30, 2020, Commerce received a timely-filed request from Bio-Lab, Inc. (Bio-Lab), Clearon Corp. (Clearon), and Occidental Chemical Corporation (OxyChem), domestic producers of chlorinated isocyanurates and the petitioner in the original antidumping investigation (the petitioner) for an administrative review of one Spanish producer and/or exporter, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b).[2]

On August 6, 2020, pursuant to this request, and in accordance with section 751(a) of the Act and 19 CFR 351.221(c)(1)(i), Commerce published a notice initiating an administrative review of the antidumping duty order on chlorinated isocyanurates from Spain for one Spanish producer and/or exporter.[3] On October 8, 2020, the petitioner timely withdrew its request for an administrative review.[4]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. The petitioner withdrew its request for review within the 90-day deadline. Because Commerce received no other requests for review, we are rescinding the administrative review of the order on chlorinated isocyanurates from Spain covering the June 1, 2019, through May 31, 2020 POR, in accordance with 19 CFR 351.213(d)(1).

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of chlorinated isocyanurates from Spain. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as the only reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to all parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: October 16, 2020.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2020–23429 Filed 10–21–20; 8:45 am]

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[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 85 FR 33628 (June 2, 2020).

[2] *See* Petitioner's Letter, ''Chlorinated Isocyanurates from Spain: Request for Administrative Review,'' dated June 30, 2020.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 47731 (August 6, 2020).

[4] *See* Petitioner's Letter, ''Chlorinated Isocyanurates from Spain: Withdrawal of Request for Administrative Review,'' dated October 8, 2020.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–844, C–489–819]

Steel Concrete Reinforcing Bars From Mexico and Turkey: Continuation of Antidumping Duty and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on steel concrete reinforcing bars (rebar) from Mexico and revocation

of the countervailing duty (CVD) order on rebar from Turkey would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders.

DATES: Applicable October 22, 2020.

FOR FURTHER INFORMATION CONTACT: Jonathon Hall-Eastman (Mexico) and Jacqueline Arrowsmith (Turkey), AD/CVD Operations, Offices III/VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1468 and (202) 482–5255, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 6, 2014, Commerce published the AD order on rebar from Mexico and the CVD order on rebar from Turkey.[1] On October 1, 2019, Commerce initiated the first sunset review of the *Orders,* pursuant to section 751(c) of the Act.[2] On October 1, 2019, the ITC instituted its reviews of the *Orders.*[3] As a result of its reviews, Commerce determined, pursuant to sections 751(c)(1) and 752(c) of the Act, that revocation of the AD order on rebar from Mexico would be likely to lead to the continuation or recurrence of dumping and notified the ITC of the magnitude of the margins of dumping likely to prevail should the order be revoked.[4] Commerce also determined, pursuant to sections 751(c)(1) and 752(b) of the Act, that revocation of the CVD order on rebar from Turkey would be likely to lead to the continuation or recurrence of countervailable subsidies and notified the ITC of the magnitude of the subsidy rates likely to prevail should the order be revoked.[5]

On October 16, 2020, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the AD order on rebar from Mexico and the CVD order on rebar from Turkey would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[6]

Scope of the Orders

The merchandise subject to these orders is steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade. The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under item numbers 7213.10.0000, 7214.20.0000, and 7228.30.8010. The subject merchandise may also enter under other HTSUS numbers including 7215.90.1000, 7215.90.5000, 7221.00.0015, 7221.00.0030, 7221.00.0045, 7222.11.0001, 7222.11.0057, 7222.11.0059, 7222.30.0001, 7227.20.0080, 7227.90.6085, 7228.20.1000, and 7228.60.6000. Specifically excluded are plain rounds (*i.e.,* non-deformed or smooth rebar). Also excluded from the scope is deformed steel wire meeting ASTM A1064/A1064M with no bar markings (*e.g.,* mill mark, size or grade) and without being subject to an elongation test. HTSUS numbers are provided for convenience and customs purposes; however, the written description of the scope remains dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the AD and CVD orders would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the AD order on rebar from Mexico and the CVD order on rebar from Turkey.

U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of the *Orders* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to the fifth anniversary of the effective date of continuation.

Notification to Interested Parties

These five-year sunset reviews and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: October 16, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–23428 Filed 10–21–20; 8:45 am]

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[1] *See Steel Concrete Reinforcing Bar from Mexico: Antidumping Duty Order,* 79 FR 65925 (November 6, 2014) (*AD Order*); *see also Steel Concrete Reinforcing Bar from the Republic of Turkey: Countervailing Duty Order,* 79 FR 65926 (November 6, 2014) (*CVD Order*) (collectively, *Orders*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 84 FR 52067 (October 1, 2019) (*Initiation Notice*).

[3] *See Steel Concrete Reinforcing Bar from Mexico and Turkey; Institution of Five-Year Reviews,* 84 FR 52126 (October 1, 2019).

[4] *See Steel Concrete Reinforcing Bars (Rebar) From Mexico: Final Results of Expedited Sunset Review of Antidumping Duty Order,* 85 FR 6512 (February 5, 2020).

[5] *See Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order,* 85 FR 4945 (January 28, 2020).

[6] *See Steel Concrete Reinforcing Bar from Mexico and Turkey,* 85 FR 65873 (October 16, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–815]

Finished Carbon Steel Flanges From Spain: Preliminary Results of Antidumping Duty Administrative Review; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that producers or exporters of finished carbon steel flanges (flanges) from Spain subject to this review made sales of subject merchandise at less than normal value during the period of review (POR) June 1, 2018 through May 31, 2019. We invite interested parties to comment on these preliminary results.

DATES: Applicable October 22, 2020.

FOR FURTHER INFORMATION CONTACT: Marc Castillo or Mark Flessner, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0519 or (202) 482–6312, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 14, 2017, we published in the **Federal Register** an antidumping duty (AD) order on flanges from Spain.[1] On June 3, 2019, we published a notice of opportunity to request an administrative review of the *Order.*[2] Based on timely requests for administrative review, we initiated an administrative review of eight companies: (1) ULMA Forja, S.Coop; (2) Grupo Cunado; (3) Tubacero,

[1] *See Finished Carbon Steel Flanges from Spain: Antidumping Duty Order,* 82 FR 27229 (June 14, 2017) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 84 FR 25521 (June 3, 2019).

S.L.; (4) Ateaciones De Metales Sinterizados S.A.; (5) Transglory S.A.; (6) Central Y Almacenes; (7) Friedrich Geldbach Gmbh; and (8) Farina Group Spain.[3] On November 19, 2019, we selected ULMA as the sole mandatory respondent in this review.[4] For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.[5] The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's AD and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content. A list of topics included in the Preliminary Decision Memorandum is included as the appendix to this notice.

On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[6] On July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.[7] On February 21, 2020, and July 6, 2020, we extended the deadline for the preliminary results, by a total of 120 days.[8] The deadline for the preliminary results of this administrative review is now October 19, 2020.

Scope of the Order

The scope of the *Order* covers finished carbon steel flanges. Finished carbon steel flanges are currently classified under subheadings 7307.91.5010 and 7307.91.5050 of the Harmonized Tariff Schedule of the United States (HTSUS). They may also be entered under HTSUS subheadings 7307.91.5030 and 7307.91.5070. The HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope is dispositive. A full description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.

Methodology

Commerce conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.

Preliminary Results of Administrative Review

We preliminarily determine that the following weighted-average dumping margins exist for the period June 1, 2018, through May 31, 2019:

Exporter/manufacturer	Weighted-average dumping margin (percent)
ULMA Forja, S.Coop	1.03
Ateaciones De Metales Sinterizados S.A	1.03
Central Y Almacenes	1.03
Farina Group Spain	1.03
Friedrich Geldbach Gmbh	1.03
Grupo Cunado	1.03
Transglory S.A	1.03
Tubacero, S.L	1.03

Non-Individually Examined Companies

For the rate for non-selected respondents in an administrative review, generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.'' We preliminarily calculated a margin for ULMA that was not zero, *de minimis,* or based on facts available. Accordingly, we have preliminarily applied the margin calculated for ULMA to the non-individually examined respondents.

Disclosure and Public Comment

We intend to disclose the calculations performed for these preliminary results to the parties within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[9] Rebuttal briefs may be filed no later than seven days after case briefs are due and may respond only to arguments raised in the case briefs.[10] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.[11] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[12]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[13] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 36572 (July 29, 2019); *see also Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 47242 (September 9, 2019), which corrected the spelling of one company's name.

[4] *See* Memorandum, ''Identification of Mandatory Respondent for the 2018–2019 Administrative Review of the Antidumping Duty Order on Finished Carbon Steel Flanges from Spain,'' dated November 19, 2019.

[5] *See* Memorandum, ''Finished Carbon Steel Flanges from Spain: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2018–2019,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[7] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[8] *See* Memorandum, ''Finished Carbon Steel Flanges from Spain: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review, 2018–2019,'' dated February 21, 2020; *see also* Memorandum, ''Finished Carbon Steel Flanges from Spain: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review, 2018–2019,'' dated July 6, 2020.

[9] *See* 19 CFR 351.309(c)(ii).

[10] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[11] *See* 19 CFR 351.309(c)(2) and (d)(2).

[12] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[13] *See* 19 CFR 351.310(c).

analysis of issues raised in any briefs, within 120 days of publication of these preliminary results of review, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rate

Upon issuing the final results, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[14] If the respondent's weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent) in the final results of this review, we intend to calculate an importer-specific assessment rate on the basis of the ratio of the total amount of antidumping duties calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[15] If the respondent's weighted-average dumping margin is zero or *de minimis* in the final results, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews.*[16] The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future deposits of estimated duties, where applicable.

For entries of subject merchandise during the POR produced by ULMA for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements for estimated antidumping duties will be effective upon publication of the notice of final results of this review for all shipments of flanges from Spain entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for the companies under review, will be the rate established in the final results of the review (except, if the rate is zero or *de minimis,* no cash deposit will be required); (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, then the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 18.81 percent,[17] the all-others rate established in the less-than-fair-value investigation.

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(4).

Dated: October 16, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Recommendation

[FR Doc. 2020–23426 Filed 10–21–20; 8:45 am]

BILLING CODE 3510–DS–P

[14] *See* 19 CFR 351.212(b)(1).

[15] In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

[16] *Id.,* 77 FR at 8102.

[17] *See* the *Order,* 82 FR 27229.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA549]

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Meeting of Coral Advisory Panel and Deep Water Shrimp Advisory Panel.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its Coral Advisory Panel (AP) and Deep Water Shrimp AP.

DATES: The Coral Advisory Panel and Deep Water Shrimp Advisory Panel will meet on Tuesday November 10, 2020, from 1 p.m. to 3 p.m. via webinar.

ADDRESSES: The meeting will be held via webinar.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The Coral AP and Deep Water Shrimp AP meeting is open to the public and will be available via webinar as it occurs. Registration is required. Webinar registration information and other meeting materials will be posted to the Council's website at: *http://safmc.net/safmc-meetings/current-advisory-panel-meetings/* as it becomes available.

The AP meeting agenda includes the following: Review and input by the Coral AP and the Deep Water Shrimp AP on options for Coral Amendment 10 to create a Shrimp Fishery Access Area along the eastern side of the northern extension of the Oculina Bank Coral Habitat Area of Particular Concern. The advisory panels will develop recommendations for consideration by the Council's Habitat Protection and Ecosystem-Based Management Committee.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for

auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 19, 2020.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–23435 Filed 10–21–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA579]

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) and its advisory entities will hold online public meetings.

DATES: The Pacific Council and its advisory entities will meet online November 9–10, 12–13 and 16–20, 2020, noting there will be no meetings on Wednesday, November 11, observing Veteran's Day, and Saturday, November 14 and Sunday, November 15. The Pacific Council meeting will begin on Friday, November 13, 2020 at 8 a.m. Pacific Standard Time (PST), reconvening at 8 a.m. Monday, November 16, and each day through Friday, November 20, 2020. All meetings are open to the public, except a Closed Session will be held from 8 a.m. to 9 a.m., Friday, November 13, to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: Meetings of the Pacific Council and its advisory entities will be webinar only.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220. Instructions for attending the meeting via live stream broadcast are given under **SUPPLEMENTARY INFORMATION**, below.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Tracy, Executive Director; telephone: (503) 820–2280 or (866) 806–7204 toll-free; or access the Pacific Council website, *http://www.pcouncil.org* for the proposed agenda and meeting briefing materials.

SUPPLEMENTARY INFORMATION: The November 13 and November 16–20, 2020 meeting of the Pacific Council will be streamed live on the internet. The broadcasts begin initially at 9 a.m. PST Friday, November 13, 2020 and continue at 8 a.m. Monday, November 16 daily through Friday, November 20. No meetings are scheduled for Saturday, November 14 through Sunday, November 15, 2020. Broadcasts end when business for the day is complete. Only the audio portion and presentations displayed on the screen at the Pacific Council meeting will be broadcast. The audio portion for the public is listen-only except that an opportunity for oral public comment will be provided prior to Council Action on each agenda item. You can attend the webinar online using a computer, tablet, or smart phone, using the webinar application. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). It is recommended that you use a computer headset to listen to the meeting, but you may use your telephone for the audio-only portion of the meeting.

The following items are on the Pacific Council agenda, but not necessarily in this order. Agenda items noted as ''Final Action'' refer to actions requiring the Council to transmit a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act. Additional detail on agenda items, Council action, and advisory entity meeting times, are described in Agenda Item A.4, Proposed Council Meeting Agenda, and will be in the advance November 2020 briefing materials and posted on the Pacific Council website at *www.pcouncil.org* no later than Friday, October 23, 2020.

A. Call to Order
1. Opening Remarks
2. Roll Call
3. Executive Director's Report
4. Approve Agenda

B. Open Comment Period
1. Comments on Non-Agenda Items

C. Administrative Matters
1. Council Coordination Committee Meeting Report
2. National Marine Fisheries Service Report
3. Standardized Bycatch Reporting Methodology
4. Legislative Matters
5. Fiscal Matters
6. Approval of Council Meeting Record
7. Membership Appointments and Council Operating Procedures
8. Future Council Meeting Agenda and Workload Planning

D. Habitat Issues
1. Current Habitat Issues

E. Pacific Halibut Management
1. 2021 Catch Sharing Plan and Annual Regulations—Final Action
2. Transition of Area 2A Fishery Management—Final Action
3. Non-Indian Commercial-Directed Fishery Regulations for 2021

F. Salmon Management
1. 2021 Preseason Management Schedule
2. Southern Resident Killer Whale Endangered Species Act Consultation—Final Action
3. Southern Oregon/Northern California Coast Coho Endangered Species Act (ESA) Consultation

G. Groundfish Management
1. Gear Switching for Sablefish in the Trawl Catch Share Fishery
2. National Marine Fisheries Service Report
3. Inseason Adjustments for 2020 and 2021 Including Pacific Whiting Set-Asides for 2021—Final Action
4. Sablefish Management Strategy Evaluation Update
5. Assessment Methodology Review—Final Action

H. Coastal Pelagic Species Management
1. Preliminary Review of New Exempted Fishing Permits for 2021
2. Methodology Review Topic Selection
3. Comments on Court Ordered Rulemaking on Harvest Specifications for the Central Subpopulation of Northern Anchovy

I. Highly Migratory Species Management
1. National Marine Fisheries Service Report
2. Recommend International Management Activities
3. Biennial Harvest Specifications and Management Measures
4. Drift Gillnet Fishery Hard Caps Update

Advisory Body Agendas

Advisory body agendas will include discussions of relevant issues that are on the Pacific Council agenda for this meeting and may also include issues that may be relevant to future Council meetings. Proposed advisory body agendas for this meeting will be available on the Pacific Council website *https://www.pcouncil.org/* no later than Friday, October 23, 2020.

Schedule of Ancillary Meetings

Day 1—Monday, November 9, 2020

Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.

Day 2—Tuesday, November 10, 2020

Habitat Committee 8 a.m.
Salmon Advisory Subpanel 8 a.m.

** No Meetings Scheduled observing Veteran's Day, Wednesday, November 11, 2020.*

Day 3—Thursday, November 12, 2020

Enforcement Consultants 8 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Highly Migratory Species Advisory Subpanel 8 a.m.
Highly Migratory Species Management Team 8 a.m.
Scientific and Statistical Committee 8 a.m.
Legislative Committee 10 a.m.

Day 4—Friday, November 13, 2020

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Highly Migratory Species Advisory Subpanel 8 a.m.
Highly Migratory Species Management Team 8 a.m.
Scientific and Statistical Committee 8 a.m.
Enforcement Consultants As Necessary

** No Meetings Scheduled for Saturday, November 14 through Sunday, November 15, 2020.*

Day 5—Monday, November 16, 2020

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Coastal Pelagic Species Advisory Subpanel 8 a.m.
Coastal Pelagic Species Management Team 8 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Highly Migratory Species Advisory Subpanel 8 a.m.
Highly Migratory Species Management Team 8 a.m.
Enforcement Consultants As Necessary

Day 6—Tuesday, November 17, 2020

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Coastal Pelagic Species Advisory Subpanel 8 a.m.
Coastal Pelagic Species Management Team 8 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Enforcement Consultants As Necessary

Day 7—Wednesday, November 18, 2020

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Enforcement Consultants As Necessary

Day 8—Thursday, November 19, 2020

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Enforcement Consultants As Necessary

Day 9—Friday, November 20, 2020

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.

Although non-emergency issues not contained in this agenda may come before the Pacific Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Pacific Council's intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2412 at least ten business days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 19, 2020.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–23436 Filed 10–21–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Federal Advisory Committee meeting

AGENCY: Department of the Air Force, Board of Visitors of the U.S. Air Force Academy.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Board of Visitors (BoV) of the U.S. Air Force Academy (USAFA) will take place.

DATES: Open to the public virtually Wednesday, November 18, 2020 from 9:00 a.m. to 5:00 p.m. (Eastern Time).

ADDRESSES: The virtual meeting can be accessed at the following link: *https://www.usafa.edu/about/bov/.* This link will be active thirty minutes before the start of the meeting.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Harvey Catchings, (703) 614–6831, *harvey.catchings@us.af.mil,* 1040 Air Force Pentagon, Washington, DC 20330–1040 or Mr. Anthony R. McDonald, (DFO), (703) 693–9309, (703) 693–4244 (Facsimile), *anthony.mcdonald@us.af.mil.* Website: *https://www.usafa.edu/about/bov/.* The site contains information on the Board of Visitors, link to the virtual meeting, and meeting agenda.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to review morale and discipline, social climate, athletics, diversity, curriculum and other matters relating to the U.S. Air Force Academy. The meeting will address topics across the Academy including updates from the Academy Superintendent, Commandant, Dean, and Athletics Department. Furthermore, there will be presentations on the Air Force Academy's Performance Metrics; Budget; Sexual Assault Prevention program; IT Infrastructure Report to Congress, and Manpower Issues & Specialty Selection Process. This meeting will be open to the public but held by virtual means as noted above.

Written Statements: Any member of the public wishing to provide input to

the Board of Visitors of the U.S. Air Force Academy, should submit a written statement in accordance with 41 CFR 102–3.105(j) and § 102–3.140 and Sec. 10(a)(3) of the FACA. The public or interested organizations may submit written comments or statements to the BoV about its mission and/or the topics to be addressed in the open sessions of this public meeting. Written comments or statements should be submitted to the BoV Executive Secretary, Lt. Col. Harvey Catchings, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section in the *COM007*following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the BoV Executive Secretary at least five (5) business days (November 11, 2020) prior to the meeting so they may be made available to the BoV Chairman for consideration prior to the meeting. Written comments or statements received after this date (November 11, 2020) may not be provided to the BoV until its next meeting. Please note that because the BoV operates under the provisions of the FACA, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the open session of the meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open session of the meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days (November 13, 2020) in advance, via electronic mail, the preferred mode of submission, at the email address(es) listed in the **FOR FURTHER INFORMATION CONTACT** section. The request for comment must include the individual's name, title affiliation, address, and daytime telephone number. The BoV DFO will log each request to make a comment, in the order received, and the DFO and BoV Chairman will determine whether the subject matter of each comment is relevant to the BoV's mission and/or topics to be addressed in this public meeting. A period near the end of the meeting (open session) will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described in this paragraph, will be allotted no more than five (5) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO. For the benefit of the public, rosters that list the names of BoV members and any releasable materials presented during the BoV meeting shall be made available upon request.

Adriane Paris,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2020–23347 Filed 10–21–20; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2020–OS–0066]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, Office of the Secretary, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 23, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Election Administration and Voting Survey (EAVS) Section B Data Standard (ESB Data Standard); ESB Data Standard; 0704–FVAP.

Type of Request: New collection.

Number of Respondents: 827.

Responses per Respondent: 1.

Annual Responses: 827.

Average Burden per Response: 5 hours.

Annual Burden Hours: 4,135 hours.

Needs and Uses: To help better assist UOCAVA voters, FVAP and the Council of State Governments worked to refine a transformative new data schema called the Election Administration and Voting Survey (EAVS) Section B (ESB) Data Standard. The ESB Data Standard builds on other data standardization efforts and allows FVAP to analyze the three key parts of the voting process: (1) Ballot request, (2) ballot transmission, and (3) ballot return. With this transactional-level data, FVAP will be able to analyze the voters experience from start to finish, identifying drivers for success, and uncovering any areas within the UOCAVA voting process which could be improved upon.

Affected Public: State, local, and tribal governments.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: October 19, 2020.

Morgan E. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–23410 Filed 10–21–20; 8:45 am]

BILLING CODE 5001–06–P

DELAWARE RIVER BASIN COMMISSION

Notice of Public Hearing and Business Meeting

November 12 and December 9, 2020

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday,

November 12, 2020. A business meeting will be held the following month on Wednesday, December 9, 2020. Both the hearing and the business meeting are open to the public. In light of COVID–19 mitigation measures in effect for DRBC member states, both meetings will be conducted remotely. Please check the Commission's website, *www.drbc.gov,* on or after October 28, 2020 for details about the meeting formats and how to attend.

Public Hearing. The Commission will conduct the public hearing remotely on November 12, 2020, commencing at 1:30 p.m. Hearing items will include draft dockets for withdrawals, discharges, and other projects that could have a substantial effect on the basin's water resources. The list of projects scheduled for hearing, including project descriptions, will be posted on the Commission's website, *www.drbc.gov,* in a long form of this notice at least ten days before the hearing date.

Written comments on matters scheduled for hearing on November 12, 2020 will be accepted through 5:00 p.m. on November 17, 2020.

The public is advised to check the Commission's website periodically prior to the hearing date, as items scheduled for hearing may be postponed if additional time is needed to complete the Commission's review, and items may be added up to ten days prior to the hearing date. In reviewing docket descriptions, the public is also asked to be aware that the details of projects may change during the Commission's review, which is ongoing.

Public Meeting. The public business meeting on December 9, 2020 will begin at 10:30 a.m. and will include: Adoption of the Minutes of the Commission's September 10, 2020 Business Meeting; announcements of upcoming meetings and events; a report on hydrologic conditions; reports by the Executive Director and the Commission's General Counsel; and consideration of any items for which a hearing has been completed or is not required. At the business meeting on December 9, 2020, the latter may include but are not limited to: Possible Commission action on the findings and recommendations of the Hearing Officer in the matter of Docket D–2017–009–2 for the Gibbstown Logistics Center Dock 2; and resolutions for the minutes (a) authorizing the Executive Director to enter into a contract for analytical services for toxicity testing from surface water samples collected in the Delaware River Estuary; and (b) amending the *Administrative Manual—Bylaws, Management and Personnel* regarding approved holidays.

After all scheduled business has been completed and as time allows, the Business Meeting will be followed by up to one hour of Open Public Comment, an opportunity to address the Commission on any topic concerning management of the basin's water resources outside the context of a duly noticed, on-the-record public hearing.

There will be no opportunity for additional public comment for the record at the December 9 Business Meeting on items for which a hearing was completed on November 12 or a previous date. Commission consideration on December 9 of items for which the public hearing is closed may result in approval of the item (by docket or resolution) as proposed, approval with changes, denial, or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

Advance Sign-Up for Oral Comment. Individuals who wish to comment on the record during the public hearing on November 12 or to address the Commissioners informally during the Open Public Comment portion of the meeting on December 9 as time allows, are asked to sign up in advance through EventBrite. Links to EventBrite for the Public Hearing and the Business Meeting are posted at *www.drbc.gov.* For assistance, please contact Ms. Patricia Hausler of the Commission staff, at *patricia.hausler@drbc.gov.*

Addresses for Written Comment. Written comment on items scheduled for hearing may be made through the Commission's web-based comment system, a link to which is provided at *www.drbc.gov.* Use of the web-based system ensures that all submissions are captured in a single location and their receipt is acknowledged. Exceptions to the use of this system are available based on need, by writing to the attention of the Commission Secretary, DRBC, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628–0360. For assistance, please contact Patricia Hausler at *patricia.hausler@drbc.gov.*

Accommodations for Special Needs. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the meeting or hearing should contact the Commission Secretary directly at 609–883–9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how we can accommodate your needs.

Additional Information, Contacts. Additional public records relating to hearing items may be examined at the Commission's offices by appointment by contacting Denise McHugh, 609–883–9500, ext. 240. For other questions concerning hearing items, please contact David Kovach, Project Review Section Manager at 609–883–9500, ext. 264.

Dated: October 15, 2020.

Pamela M. Bush,

Commission Secretary and Assistant General Counsel.

[FR Doc. 2020–23447 Filed 10–21–20; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0120]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Annual Progress Reporting Form for the American Indian Vocational Rehabilitation Services Program

AGENCY: Office of Special Education and Rehabilitation Services, Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before November 23, 2020.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact August Martin, 202–245–7410.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information

collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual Progress Reporting Form for the American Indian Vocational Rehabilitation Services Program.

OMB Control Number: 1820–0655.

Type of Review: A revision to a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 86.

Total Estimated Number of Annual Burden Hours: 817.

Abstract: The Rehabilitation Services Administration (RSA) of the U.S. Department of Education's (ED) Office of Special Education and Rehabilitative Services (OSERS) will use this data collection form to capture the performance data form grantees funded under the American Indian Vocational Rehabilitation Services (AIVRS) program (CFDA #84.250). RSA and ED will use the information gathered annually to: (a) Comply with reporting requirements under the Education Department General Administrative Regulations (EDGAR) 34 CFR part 75.118, (b) measure performance on the program in accordance with the program indicators identified in the Government Performance Result Act (GPRA), and (c) provide information annually to Congress on activities conducted under this program.

The proposed changes to the existing from will improve user friendliness, clarity of data element questions, and accuracy of data reported. These revisions are not significantly different from the original collection, but are proposed to provide clarity, consistency, and usability. In order to improve the user friendliness of the form, some sections were reorganized to enhance the natural flow of data collection. data element questions were revised to improve clarity of the requests, which will result in accuracy of data being reported.

On additional data element was inserted in order to ensure grantees remain compliant with regulatory requirements, but the additional data element is offset by the elimination and consolidation of other sections in this ICR.

Additionally, ED had revised how it will collect survey data regarding the Training and Technical Needs of AIVRS projects and the entire section of the report is deleted to further reduces burden. The Training an Technical Needs assessment survey not be conducted independent of the ICR.

Dated: October 19, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2020–23384 Filed 10–21–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 13–132–LNG]

Magnolia LNG, LLC; Application To Amend Export Term Through December 31, 2050, for Existing Non-Free Trade Agreement Authorization

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice (Notice) of receipt of an application (Application), filed on October 2, 2020, by Magnolia LNG, LLC (Magnolia LNG). Magnolia LNG seeks to amend the export term set forth in its current authorization to export liquefied natural gas (LNG) to non-free trade agreement countries, DOE/FE Order No. 3909, to a term ending on December 31, 2050. Magnolia LNG filed the Application under the Natural Gas Act (NGA) and DOE's policy statement entitled, ''Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050'' (Policy Statement). Protests, motions to intervene, notices of intervention, and written comments on the requested term extension are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, November 6, 2020.

ADDRESSES:

Electronic Filing by email: fergas@hq.doe.gov

Regular Mail: U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585

FOR FURTHER INFORMATION CONTACT:

Benjamin Nussdorf or Amy Sweeney, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–7893; (202) 586–2627, *benjamin.nussdorf@hq.doe.gov* or *amy.sweeney@hq.doe.gov*

Cassandra Bernstein or Edward Toyozaki, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, Room 6D–033, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9793; (202) 586–0126, *cassandra.bernstein@hq.doe.gov* or *edward.toyozaki@hq.doe.gov*

SUPPLEMENTARY INFORMATION: On November 30, 2016, in Order No. 3909, DOE/FE authorized Magnolia LNG to export domestically produced LNG to non-FTA countries in a volume equivalent to 394.2 billion cubic feet per year (Bcf/yr) of natural gas (1.08 Bcf per day (Bcf/d)), pursuant to NGA section 3(a), 15 U.S.C. 717b(a).[1] Magnolia LNG is authorized to export this LNG by vessel from the proposed Magnolia LNG Project to be located near Lake Charles, in Calcasieu Parish, Louisiana, to any country with which the United States has not entered into a free trade agreement (FTA) requiring national

[1] *Magnolia LNG, LLC,* DOE/FE Order No. 3909, FE Docket No. 13–132–LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Magnolia LNG Terminal to be Constructed in Lake Charles, Louisiana, to Non-Free Trade Agreement Nations (Nov. 30, 2016), *reh'g denied,* DOE/FE Order No. 3909–A (Apr. 2, 2018).

treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries) for a 20-year term.

Subsequently, on December 31, 2018, Magnolia LNG submitted an application to DOE/FE requesting (in relevant part) an amendment to Order No. 3909—specifically, to increase the approved non-FTA export volume from 394.2 Bcf/yr to 449 Bcf/yr (1.23 Bcf/d) of natural gas (2018 Amendment Application).[2] The 2018 Amendment Application remains pending in the above-captioned docket.

In this Application filed on October 2, 2020,[3] Magnolia LNG asks DOE to extend its current 20-year export term in DOE/FE Order No. 3909 to a term ending on December 31, 2050, as provided in the Policy Statement.[4] DOE notes that this Application to amend DOE/FE Order No. 3909 requests only an extension of Magnolia LNG's existing export term.[5]

Additional details can be found in the Application, posted on the DOE/FE website at: *https://www.energy.gov/sites/prod/files/2020/10/f79/Magnolia%20LNG%20—%20DOE%20Non-FTA%20Export%20Extension%20to%202050.pdf.*

DOE/FE Evaluation

In the Policy Statement, DOE adopted a term through December 31, 2050 (inclusive of any make-up period), as the standard export term for long-term non-FTA authorizations.[6] As the basis for its decision, DOE considered its obligations under NGA section 3(a), the public comments supporting and opposing the proposed Policy Statement, and a wide range of information bearing on the public interest.[7] DOE explained that, upon receipt of an application under the Policy Statement, it would conduct a public interest analysis of the application under NGA section 3(a). DOE further stated that ''the public interest analysis will be limited to the application for the term extension—meaning an intervenor or protestor may challenge the requested extension but not the existing non-FTA order.'' [8]

Accordingly, in reviewing Magnolia LNG's Application, DOE/FE will consider any issues required by law or policy under NGA section 3(a), as informed by the Policy Statement. To the extent appropriate, DOE will consider the study entitled, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports* (2018 LNG Export Study),[9] DOE's response to public comments received on that Study,[10] and the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States,* 79 FR 48132 (Aug. 15, 2014); [11]
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States,* 79 FR 32260 (June 4, 2014); [12] and
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update,* 84 FR 49278 (Sept. 19, 2019), and DOE/FE's response to public comments received on that study.[13]

Parties that may oppose the Application should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable, addressing the Application. Interested parties will be provided 15 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention. The public previously was given an opportunity to intervene in, protest, and comment on Magnolia LNG's long-term non-FTA application and the 2018 Amendment Application. Therefore, DOE will not consider comments or protests that do not bear directly on the requested term extension.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) E-mailing the filing to *fergas@hq.doe.gov,* with FE Docket No. 13–132–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation, Analysis, and Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation, Analysis, and Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 13–132–LNG. *PLEASE NOTE:* If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to

[2] Magnolia LNG LLC, Application for Amendment to Long-Term Authorizations to Export Liquefied Natural Gas to Non-Free Trade Agreement and Free Trade Agreement Nations, FE Docket Nos. 13–132–LNG, *et al.* (Dec. 31, 2018) [hereinafter App.]. DOE/FE invited public comment on the 2018 Amendment Application and received one motion to intervene, protest, and comment opposing Magnolia LNG's request.

[3] Magnolia LNG, LLC, Consolidated Application to Amend Pending Amendment and Amend Existing Authorizations in Order to Increase Authorized Export Term Through December 31, 2050, FE Docket Nos. 12–183–LNG, *et al.* (Oct. 2, 2020). Magnolia LNG's request regarding its FTA authorizations are not subject to this Notice. *See* 15 U.S.C. 717b(c).

[4] U.S. Dep't of Energy, Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050; Notice of Final Policy Statement and Response to Comments, 85 FR 52237 (Aug. 25, 2020) [hereinafter Policy Statement].

[5] App. at 4. Although Magnolia LNG refers to this Application as a ''supplement'' to the 2018 Amendment Application (App. at 5, 8), DOE/FE construes the Application as a separate request to amend DOE/FE Order No. 3909. DOE will evaluate both the current Application and the pending 2018 Amendment Application at the appropriate time.

[6] *See id.,* 85 FR 52247.

[7] *See id.,* 85 FR 52247.

[8] *Id.,* 85 FR 52247.

[9] *See* NERA Economic Consulting, Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports (June 7, 2018), *available at: https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf.*

[10] U.S. Dep't of Energy, Study on Macroeconomic Outcomes of LNG Exports: Response to Comments Received on Study; Notice of Response to Comments, 83 FR 67251 (Dec. 28, 2018).

[11] The Addendum and related documents are available at: *http://energy.gov/fe/draft-addendum-environmental-review-documents-concerning-exports-natural-gas-united-states.*

[12] The 2014 Life Cycle Greenhouse Gas Report is available at: *http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states.*

[13] U.S. Dep't of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update—Response to Comments, 85 FR 72 (Jan. 2, 2020). The 2019 Update and related documents are available at: *https://fossil.energy.gov/app/docketindex/docket/index/21.*

ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties' written comments and replies thereto. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation, Analysis, and Engagement docket room, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *https://www.energy.gov/fe/services/natural-gas-regulation.*

Signed in Washington, DC, on October 16, 2020.

Amy Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Fossil Energy.

[FR Doc. 2020–23352 Filed 10–21–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 20–102–LNG]

BP Energy Company; Application for Blanket Authorization To Export Previously Imported Liquefied Natural Gas to Non-Free Trade Agreement Countries on a Short-Term Basis

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice (Notice) of receipt of an application (Application), filed on August 20, 2020, by BP Energy Company (BPEC). BPEC requests blanket authorization to export liquefied natural gas (LNG) previously imported into the United States by vessel from foreign sources in a volume equivalent to approximately 30 billion cubic feet (Bcf) of natural gas on a cumulative basis over a two-year period commencing on November 19, 2020. BPEC seeks to export this LNG from the Cove Point LNG Terminal, owned by Dominion Energy Cove Point LNG, LP, in Calvert County, Maryland. BPEC filed the Application under the Natural Gas Act (NGA). Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, November 23, 2020.

ADDRESSES:

Electronic Filing by email: fergas@hq.doe.gov

Regular Mail: U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585

FOR FURTHER INFORMATION CONTACT:

Beverly Howard or Amy Sweeney, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy. Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9387 or (202) 586–2627; *beverly.howard@hq.doe.gov.* or *amy.sweeney@hq.doe.gov.*

Cassandra Bernstein or Kari Twaite, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9793 or (202) 586–6978; *cassandra.bernstein@hq.doe.gov* or *kari.twaite@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: BPEC requests a short-term blanket authorization to export LNG from the Cove Point Terminal to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy. This includes both countries with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries) and all other countries (non-FTA countries). This Notice applies only to the portion of the Application requesting authority to export LNG to non-FTA countries pursuant to NGA section 3(a), 15 U.S.C. 717b(a). BPEC states that its existing blanket re-export authorization, set forth in DOE/FE Order No. 4302, is scheduled to expire on November 18, 2020. BPEC further states that it does not seek authorization to export any domestically produced natural gas or LNG.

BPEC requests this authorization on its own behalf and as agent for other parties who hold title to the LNG at the time of export. Additional details can be found in BPEC's Application, posted on the DOE/FE website at: *https://www.energy.gov/sites/prod/files/2020/09/f78/20-102-LNG.pdf.*

DOE/FE Evaluation

In reviewing BPEC's Application, DOE will consider any issues required by law or policy. DOE will consider domestic need for the gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose this application should comment in their responses on these issues.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Interested parties will be provided 30 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to *fergas@hq.doe.gov,* with FE Docket No. 20–102–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation, Analysis, and Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation, Analysis, and Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 20–102–LNG. *Please note:* If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation, Analysis, and Engagement docket room, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene, notices of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *https://www.energy.gov/fe/services/natural-gas-regulation.*

Signed in Washington, DC, on October 16, 2020.

Amy Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Oil and Natural Gas.

[FR Doc. 2020–23350 Filed 10–21–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21–8–000.
Applicants: Harts Mill Solar, LLC, Harts Mill TE Holdings LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Harts Mill Solar, LLC, et al.
Filed Date: 10/15/20.
Accession Number: 20201015–5168.
Comments Due: 5 p.m. ET 11/5/20.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG21–7–000.
Applicants: Henrietta D Energy Storage LLC.
Description: Self-Certification of Henrietta D Energy Storage LLC.
Filed Date: 10/16/20.
Accession Number: 20201016–5069.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: EG21–8–000.
Applicants: Orange County Energy Storage 2 LLC.
Description: Self-Certification of Orange County Energy Storage 2 LLC.
Filed Date: 10/16/20.
Accession Number: 20201016–5075.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: EG21–9–000.
Applicants: Orange County Energy Storage 3 LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Orange County Energy Storage 3 LLC.
Filed Date: 10/16/20.
Accession Number: 20201016–5106.
Comments Due: 5 p.m. ET 11/6/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–162–029; ER13–1266–031; ER10–2984–048; ER11–2044–035; ER15–2211–028.
Applicants: Bishop Hill Energy II LLC, CalEnergy, LLC, Merrill Lynch Commodities, Inc., MidAmerican Energy Company, MidAmerican Energy Services, LLC.
Description: Notice of Non-Material Change in Status of Bishop Hill Energy II LLC, et al.
Filed Date: 10/15/20.
Accession Number: 20201015–5175.
Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER15–2013–012; ER12–2510–011; ER15–2014–008; ER10–2435–019; ER10–2442–016; ER12–2512–011; ER19–481–004; ER15–2018–007; ER18–2252–003; ER15–2022–007; ER10–2444–018; ER10–2446–014; ER15–2026–007; ER10–2449–016; ER19–2250–004.
Applicants: Talen Energy Marketing, LLC, Brandon Shores LLC, Brunner Island, LLC, Camden Plant Holding, L.L.C., Elmwood Park Power, LLC, H.A. Wagner LLC, LMBE Project Company LLC, Martins Creek, LLC, MC Project Company LLC, Montour, LLC, Newark Bay Cogeneration Partnership, L.P, Pedricktown Cogeneration Company LP, Susquehanna Nuclear, LLC, York Generation Company LLC, TrailStone Energy Marketing, LLC.
Description: Notification of Change in Status of the Indicated MBR Sellers.
Filed Date: 10/15/20.
Accession Number: 20201015–5161.
Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER19–1934–004.
Applicants: Tucson Electric Power Company.
Description: Compliance filing: Order No. 845 Compliance Filing to be effective 5/22/2019.
Filed Date: 10/16/20.
Accession Number: 20201016–5087.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER19–1935–005.
Applicants: UNS Electric, Inc.
Description: Compliance filing: Order No. 845 Compliance Filing to be effective 5/22/2019.
Filed Date: 10/16/20.
Accession Number: 20201016–5088.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER20–1912–001.
Applicants: Blooming Grove Wind Energy Center LLC.
Description: Notice of Change in Facts of Blooming Grove Wind Energy Center LLC.
Filed Date: 10/15/20.
Accession Number: 20201015–5166.
Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER20–2721–001.
Applicants: Smoky Mountain Transmission LLC.
Description: Tariff Amendment: Request to Hold Proceeding in Abeyance to be effective 12/31/9998.
Filed Date: 10/16/20.
Accession Number: 20201016–5051.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–23–001.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Amendment: Amendment Filing to Correct Service Agreement Number to be effective 9/28/2020.
Filed Date: 10/16/20.
Accession Number: 20201016–5081.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–41–000.
Applicants: La Joya Wind, LLC.
Description: Supplement to October 7, 2020 La Joya Wind, LLC tariff filing.
Filed Date: 10/14/20.
Accession Number: 20201014–5155.
Comments Due: 5 p.m. ET 10/26/20.

Docket Numbers: ER21–119–000.
Applicants: PJM Interconnection, L.L.C., Trans-Allegheny Interstate Line Company, Monongahela Power Company, The Potomac Edison Company, West Penn Power Company.
Description: § 205(d) Rate Filing: MAIT submits Revised Interconnection Agreement, SA No. 2149 to be effective 12/14/2020.
Filed Date: 10/15/20.
Accession Number: 20201015–5137.
Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER21–120–000.
Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: Amended Engineering & Procurement Agreement: Niagara Mohawk and New York Transco to be effective 9/17/2020.
Filed Date: 10/16/20.
Accession Number: 20201016–5001.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–121–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 5825; Queue No. AF2–401 to be effective 9/16/2020.
Filed Date: 10/16/20.
Accession Number: 20201016–5003.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–122–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 5807; Queue No. AF2–400 to be effective 9/16/2020.
Filed Date: 10/16/20.
Accession Number: 20201016–5004.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–123–000.
Applicants: Idaho Power Company.
Description: Compliance filing: Order 864 Compliance Filing to be effective N/A.
Filed Date: 10/16/20.
Accession Number: 20201016–5045.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–124–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3285R4 AEP Energy Partners, Inc. NITSA and NOA to be effective 10/1/2020.
Filed Date: 10/16/20.
Accession Number: 20201016–5048.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–125–000.
Applicants: Tampa Electric Company.
Description: Compliance filing: OATT Order No. 864 Compliance Filing to be effective 1/27/2020.
Filed Date: 10/16/20.
Accession Number: 20201016–5062.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–126–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 33 to be effective 12/31/2020.
Filed Date: 10/16/20.
Accession Number: 20201016–5082.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–127–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to OA, Schedule 12 to reflect termination of Energia membership to be effective 12/16/2020.
Filed Date: 10/16/20.
Accession Number: 20201016–5090.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–128–000.
Applicants: Rancho Seco Solar II LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff Filing to be effective 12/16/2020.
Filed Date: 10/16/20.
Accession Number: 20201016–5095.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–129–000.
Applicants: System Energy Resources, Inc.
Description: § 205(d) Rate Filing: SERI UPSA Excess ADIT Credit to be effective 10/17/2020.
Filed Date: 10/16/20.
Accession Number: 20201016–5097.
Comments Due: 5 p.m. ET 11/6/20.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES21–5–000.
Applicants: Evergy Kansas Central, Inc., Evergy Kansas South, Inc., Evergy Metro, Inc., Evergy Missouri West, Inc.
Description: Joint Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Evergy Kansas Central, Inc., et al.
Filed Date: 10/15/20.
Accession Number: 20201015–5167.
Comments Due: 5 p.m. ET 11/5/20.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF21–28–000.
Applicants: San Bernardino Fuel Cell, LLC.
Description: Form 556 of San Bernardino Fuel Cell, LLC.
Filed Date: 10/13/20.
Accession Number: 20201013–5411.
Comments Due: Non-Applicable.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 16, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23402 Filed 10–21–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–90–000]

Sun Streams 2, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced Sun Streams 2, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and

assumptions of liability, is November 5, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: October 16, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23406 Filed 10–21–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR21–3–000.

Applicants: Southern California Gas Company.

Description: Tariff filing per 284.123(b),(e)+(g): Offshore Delivery Service Rate Revision to be effective 10/1/2020.

Filed Date: 11/15/20.

Accession Number: 202010155097.

Comments Due: 5 p.m. ET 11/5/20.

284.123(g) Protests Due: 5 p.m. ET 12/14/20.

Docket Numbers: RP21–58–000.

Applicants: Dominion Energy Overthrust Pipeline, LLC.

Description: § 4(d) Rate Filing: Revised Title Page to be effective 11/1/2020.

Filed Date: 10/15/20.

Accession Number: 20201015–5102.

Comments Due: 5 p.m. ET 10/27/20.

Docket Numbers: RP21–59–000.

Applicants: Dominion Energy Questar Pipeline, LLC.

Description: § 4(d) Rate Filing: Revised Title Page to be effective 11/1/2020.

Filed Date: 10/15/20.

Accession Number: 20201015–5106.

Comments Due: 5 p.m. ET 10/27/20.

Docket Numbers: RP21–60–000.

Applicants: White River Hub, LLC.

Description: § 4(d) Rate Filing: revised title pages to be effective 11/1/2020.

Filed Date: 10/15/20.

Accession Number: 20201015–5109.

Comments Due: 5 p.m. ET 10/27/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 16, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23404 Filed 10–21–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2435–020.
Applicants: Camden Plant Holding, L.L.C.
Description: Compliance filing: Informational Filing to be effective N/A.
Filed Date: 10/16/20.
Accession Number: 20201016–5129.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER10–2442–017.
Applicants: Elmwood Park Power, LLC.
Description: Compliance filing: Informational Filing to be effective N/A.
Filed Date: 10/16/20.
Accession Number: 20201016–5133.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER10–2444–019.
Applicants: Newark Bay Cogeneration Partnership, L.P.
Description: Compliance filing: Informational Filing to be effective N/A.
Filed Date: 10/16/20.
Accession Number: 20201016–5135.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER16–2438–004.
Applicants: Pedricktown Cogeneration Company LP.
Description: Compliance filing: Informational Filing to be effective N/A.
Filed Date: 10/16/20.
Accession Number: 20201016–5136.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER19–482–001.
Applicants: LMBE Project Company LLC.
Description: Compliance filing: Informational Filing to be effective N/A.
Filed Date: 10/16/20.
Accession Number: 20201016–5139.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER20–1140–001.
Applicants: H.A. Wagner LLC.
Description: Compliance filing: Informational Filing to be effective N/A.
Filed Date: 10/16/20.
Accession Number: 20201016–5138.
Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–130–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 205 filing NYISO exigent circumstances ICAP Demand Curve gas price logic to be effective 10/21/2020.
Filed Date: 10/16/20.
Accession Number: 20201016–5116.
Comments Due: 5 p.m. ET 10/21/20.

Docket Numbers: ER21–131–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: Balancing Accounts Update 2021 (TRBAA, RSBAA, ECRBAA) to be effective 1/1/2021.

Filed Date: 10/16/20.

Accession Number: 20201016–5134.

Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–132–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2020–10–16_PSCo–PSCoES–PLGIA–591–0.0.0 to be effective 10/17/2020.

Filed Date: 10/16/20.

Accession Number: 20201016–5140.

Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–133–000.

Applicants: HDSI, LLC.

Description: Initial rate filing: Market-Based Rate Application to be effective 12/16/2020.

Filed Date: 10/16/20.

Accession Number: 20201016–5141.

Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–134–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Rate Schedule FERC No. 316 between Tri-State and JMEC to be effective 12/16/2020.

Filed Date: 10/16/20.

Accession Number: 20201016–5161.

Comments Due: 5 p.m. ET 11/6/20.

Docket Numbers: ER21–135–000.

Applicants: EDF Trading North America, LLC.

Description: Compliance filing: Compliance Justification filing to be effective N/A.

Filed Date: 10/16/20.

Accession Number: 20201016–5163.

Comments Due: 5 p.m. ET 11/6/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 16, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23403 Filed 10–21–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–481–000]

Notice of Revised Schedule for Environmental Review of the Rio Bravo Pipeline Company, LLC Rio Bravo Pipeline Project Amendment

This notice identifies the Federal Energy Regulatory Commission staff's revised schedule for the completion of the environmental assessment (EA) for Rio Bravo Pipeline Company, LLC's Rio Bravo Pipeline Project Amendment. The first notice of schedule, issued on August 14, 2020, identified November 16, 2020, as the EA issuance date. Following issuance of the August 14th notice of schedule, the U.S. Army Corps of Engineers and the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration requested cooperating agency status to review the EA, and staff required additional information from Rio Bravo Pipeline Company, LLC to further address scoping comments. As a result, staff has revised the schedule for issuance of the EA.

Schedule for Environmental Review

Issuance of the EA—December 21, 2020
90-day Federal Authorization Decision Deadline—March 22, 2021

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.,* CP20–481), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: October 16, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–23405 Filed 10–21–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10015–99–Region 5]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Midwest Generation, LLC, Waukegan Generating Station, Lake County, Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition for objection to a Clean Air Act title V operating permit.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated September 15, 2020, denying a Petition dated August 5, 2016 from Sierra Club, Respiratory Health Association and Environmental Law and Policy Center. The Petition requested that EPA object to a Clean Air Act (CAA) title V operating permit issued by the Illinois Environmental Protection Agency (IEPA) to Midwest Generation for the Waukegan Generating Station located in Waukegan, Lake County, Illinois.

ADDRESSES: The final Order, the Petition, and other supporting information are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19. We recommend that you telephone Danny Marcus, Environmental Engineer, at (312) 353–8781 before visiting the Region 5 office. Additionally, the final

Order and Petition are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

FOR FURTHER INFORMATION CONTACT: Danny Marcus, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8781, *marcus.danny@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities under title V of the CAA. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of EPA's 45-day review period if EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issues arose after this period.

EPA received the Petition from Sierra Club, Respiratory Health Association and Environmental Law and Policy Center, dated August 5, 2016, requesting that EPA object to the issuance of operating permit no. 95090047 issued by IEPA to Midwest Generation for the Waukegan Generating Station located in Waukegan, Lake County, Illinois. The Petition alleged that the permit lacked a compliance schedule for opacity violations, had improper involvement of outside entities, contained inadequate monitoring of material handling processes, contained inadequate testing and evaluations of air emissions from boilers, and lacked adequate recordkeeping for opacity emissions exceedances.

On September 15, 2020, the EPA Administrator issued an Order denying the Petition. The Order explains the basis for EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review of the Administrator's September 15, 2020 Order shall be filed in the United States Court of Appeals for the appropriate circuit no later than December 21, 2020.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: October 19, 2020.

Kurt Thiede,

Regional Administrator, Region 5.

[FR Doc. 2020–23465 Filed 10–21–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings

TIME AND DATE: 10:55 a.m. on Tuesday, October 20, 2020.

PLACE: The meeting was held in the Board Room located on the sixth floor of the FDIC Building located at 550 17th Street NW, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: In calling the meeting, the Board determined, on motion of Director Martin J. Gruenberg, seconded by Director Brian P. Brooks (Acting Comptroller of the Currency), and concurred in by Director Kathleen L. Kraninger (Director, Consumer Financial Protection Bureau), and Chairman Jelena McWilliams, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B).

CONTACT PERSON FOR MORE INFORMATION: Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at 202–898–7043.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2020–23523 Filed 10–20–20; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update listing of financial institutions in liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institution effective as of the Date Closed as indicated in the listing.

SUPPLEMENTARY INFORMATION: This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992, issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation website at *www.fdic.gov/bank/individual/failed/banklist.html,* or contact the Manager of Receivership Oversight at *RO@fdic.gov* or at Division of Resolutions and Receiverships, FDIC, 1601 Bryan Street, Suite 34100, Dallas, TX 75201–3401.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10537	First City Bank of Florida	Fort Walton Beach	FL	10/16/2020

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on October 19, 2020.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2020–23416 Filed 10–21–20; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than November 6, 2020.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Randall J. Blue, Sedalia, Colorado, as trustee of the Randall J. Blue Revocable Trust, the Taylor Blue Republic Trust, the Justin Blue GST Trust, the Zachary Blue GST Trust, and the Taylor Blue GST Trust, all of Wichita, Kansas;*

Kipton R. Blue, Leawood, Kansas, as trustee of the Kipton R. Blue Revocable Trust UTA, the Adam Blue Republic Trust, the Benjamin Blue Republic Trust, the Amanda Blue Republic Trust, the Adam Blue GST Trust, the Benjamin Blue GST Trust, and the Amanda Blue GST Trust, all of Wichita Kansas;

Nancy S. Blue, Sedalia, Colorado, as trustee of the Nancy S. Blue Revocable Trust, Wichita, Kansas; Shari J. Blue, Leawood, Kansas, as trustee of the Shari J. Blue Revocable Trust UTA, Wichita, Kansas; and Zachary W. Blue, Wichita, Kansas;

Justin R. Blue, Louisburg, Kansas; Taylor Blue, Evergreen, Colorado; Benjamin Blue, Olathe, Kansas; Adam Blue, Leawood, Kansas; and Amanda Blue, Overland Park, Kansas;

To become members of the Blue Family Group, a group acting in concert, to retain voting shares of Republic Financial Corporation, and thereby indirectly retain voting shares of Southwest National Bank, both of Wichita, Kansas.

Board of Governors of the Federal Reserve System, October 19, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–23408 Filed 10–21–20; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (''PRA''), the Federal Trade Commission (''FTC'' or ''Commission'') is seeking public comment on its proposal to extend for an additional three years the Office of Management and Budget clearance for information collection requirements in the Fair Packaging and Labeling Act regulations (''FPLA Rules''). That clearance expires on April 30, 2021.

DATES: Comments must be filed by December 21, 2020.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''FPLA Rules, PRA Comment, P074200'' on your comment and file your comment online at *https://www.regulations.gov,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, Attorney, Division of Enforcement, Bureau of Consumer Protection, (202) 326–2889, 600 Pennsylvania Ave. NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Title of Collection: Regulations Under Section 4 of the Fair Packaging and Labeling Act (FPLA), 16 CFR parts 500–503.

OMB Control Number: 3084–0110.

Type of Review: Extension without change of currently approved collection.

Affected Public: Private Sector: Businesses and other for-profit entities.

Estimated Annual Burden Hours: 6,832,210.

Estimated Annual Labor Costs: $163,973,040.

Estimated Annual Non-Labor Costs: $0.

Abstract: The Fair Packaging and Labeling Act, 15 U.S.C. 1451 *et seq.,* was enacted to enable consumers to obtain accurate package quantity information to facilitate value comparisons and prevent unfair or deceptive packaging and labeling of consumer commodities. Section 4 of the FPLA requires packages or labels to be marked with: (1) A statement of identity; (2) a net quantity of contents disclosure; and (3) the name and place of business of the company responsible for the product. The FPLA regulations, 16 CFR parts 500–503, specify how manufacturers, packagers, and distributors of ''consumer commodities'' must comply with the Act's labeling requirements.[1]

Burden Estimates

Estimated Number of Respondents: 683,221.

FTC staff estimates there are approximately 683,221 retailers, wholesalers, and manufacturers that sell consumer commodities that are subject to the FPLA Rule's labeling requirements.[2]

[1] The term consumer commodity or commodity means any article, product, or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of such consumption or use. 16 CFR 500.2(c). For the precise scope of the term's coverage see 16 CFR 500.2(c); 503.2; 503.5.

[2] FTC staff based this estimate on a combination of Economic Census data and information from the North American Industry Classification System. Commission staff identified categories of retailers,

Burden Hours: 6,832,210 hours.

FTC staff estimates that covered entities spend approximately 10 hours per year to comply with the FPLA Rule's labeling requirements. As a result, the FTC estimates that the total burden hours attributable to FTC requirements is 6,832,210 hours (683,221 respondents × 10 hours).

Labor Costs: $163,973,040.

FTC staff derives labor costs by applying estimated hourly cost figures to the burden hours described above. Commission staff estimates the hours spent to comply with the Rule's labeling requirements will break down as follows: 1 hour of managerial and/or professional time per covered entity, at an hourly wage of $60,[3] 2 hours of graphic design support, at an hourly wage of $27,[4] 7 hours of clerical time per covered entity, at an hourly wage of $18,[5] for a total of $163,973,040 ($240 blended labor cost per covered entity × 683,221 entities).

Capital/Non-Labor Costs: $0.

Commission staff believes that the FPLA Rules impose negligible capital or other non-labor costs, as the affected entities are likely to have the necessary supplies and/or equipment already (*e.g.,* offices and computers) for the information collections discussed above.

wholesalers, and manufacturers under its jurisdiction that supply consumer commodities as defined in the FPLA Rules. Commission staff estimated the number of retailers (312,216) based on 2018 Economic Census data compiling NAICS subsector codes 445, 452, and 453, respectively, for food and beverage stores, general merchandise stores, and miscellaneous store retailers. *See https://data.census.gov.* Commission staff estimated the number of wholesalers (260,879) using Census data from the 2017 Economic Census concerning the number of firms covered by NAICS subset code 42 for merchant wholesalers, except manufacturers' sales branches and offices. *See* 2017 Economic Census, Table EC1700BASIC. FTC staff estimated the number of covered manufacturers (110,126) by compiling the estimated number of manufacturing entities covered by NAICS codes 321999, 322220, 322299, 324191, 324199, 325520, 3256, 325992, 325998, 326111, 326130, 326140, 326199, 323720, 327910, 331315, 335110, 339999. *See https://www.naics.com.*

[3] Based on the mean hourly wage rate for ''General and Operations Managers'' ($59.15), rounded up to $60, available from Bureau of Labor Statistics, Economic News Release, March 31, 2019, Table 1, ''National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2019'' (''BLS Table 1''), available at: *https://www.bls.gov/news.release/ocwage.htm.*

[4] This wage estimate consists of work time for graphic designers who design the appearance and layout of product packaging, including the appropriate display of the disclosures required by the FPLA Rules. The corresponding wage estimate is based on mean hourly wages for ''Graphic designers'' ($27.17), rounded to $27. See BLS Table 1.

[5] *See id.* The clerical wage estimate is based on the mean hourly wages for ''data entry and information processing workers'' ($17.52), rounded to $18.

Request for Comment

Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing clearance for the information collection requirements contained in the Business Opportunity Rule, 16 CFR part 437 (OMB Control Number 3084–0142).

Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before December 21, 2020. Write ''Business Opportunity Rule Paperwork Comment, FTC File No. P114408'' on your comment. Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it through the *https://www.regulations.gov* website by following the instructions on the web-based form provided. Your comment, including your name and your state—will be placed on the public record of this proceeding, including the *https://www.regulations.gov* website.

If you file your comment on paper, write ''Business Opportunity Rule Paperwork Comment, FTC File No. P114408'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610, Washington, DC 20024. If possible, please submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the public record, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the *https://www.regulations.gov* website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as

appropriate. The Commission will consider all timely and responsive public comments that it receives on or before December 21, 2020. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2020–23417 Filed 10–21–20; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0493]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded—Time and Extent Applications for Nonprescription Drug Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by November 23, 2020.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0688. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded—Time and Extent Applications for Nonprescription Drug Products (21 CFR 330.14)

OMB Control Number 0910–0688—Extension

This information collection supports Agency regulations and associated guidance. Specifically, FDA regulations in § 330.14 (21 CFR 330.14) establish additional criteria and procedures for classifying over-the-counter (OTC) drugs as generally recognized as safe and effective and not misbranded. These regulations state that OTC drug products introduced into the U.S. market after the OTC drug review began in 1972 and OTC drug products without any marketing experience in the United States can be evaluated under the monograph process if the conditions (*e.g.,* active ingredients) meet certain ''time and extent'' criteria outlined in the regulations. The regulations allow a time and extent application (TEA) to be submitted to us by any party for our consideration to include new conditions in the OTC drug monograph system.

TEAs must provide evidence described in § 330.14(c) demonstrating that the condition is eligible for inclusion in the monograph system. (Section 330.14(d) specifies the number of copies and address for submission of a TEA.) If a condition is found eligible, any interested parties can submit safety and effectiveness information as explained in § 330.14(f). Safety and effectiveness data include the data and information listed in 21 CFR 330.10(a)(2), a listing of all serious adverse drug experiences that may have occurred (§ 330.14(f)(2)), and an official or proposed compendial monograph (§ 330.14(i)).

Based on our experience with submissions we have received under § 330.14, we estimate that we will receive two TEAs and two safety and effectiveness submissions each year and assume that it will take 1,525 hours to prepare a TEA and 2,350 hours to prepare a comprehensive safety and effectiveness submission.

We revised our regulations in part 330 (21 CFR part 330) (81 FR 84465, November 23, 2016), thus adding 6 hours to our estimated annual reporting burden for the information collection. Specifically, § 330.14(j) clarifies the requirements on content and format criteria for a safety and effectiveness data submission and provides procedures for our review of the submissions and determination of whether a submission is sufficiently complete to permit a substantive review.

Section 330.14(j)(3) describes the process for cases in which we refuse to file the safety and effectiveness data submission. Under § 330.14(j)(3), if we refuse to file the submission, we will notify the sponsor in writing, state the reason(s) for the refusal, and allow the sponsor 30 days to submit a written request for an informal conference with us about whether we should file the submission. We estimate one respondent will submit a request for an informal conference each year and assume that preparing and submitting each request will take 1 hour.

Under § 330.14(j)(4)(iii), the safety and effectiveness data submission must contain a signed statement that the submission represents a complete safety and effectiveness data submission and that the submission includes all the safety and effectiveness data and information available to the sponsor at the time of the submission, whether positive or negative. We estimate that two respondents will submit such signed statements each year and assume that preparing and submitting each signed statement takes 1 hour.

Under § 330.14(k)(1), we, in response to a written request from a sponsor, may withdraw consideration of a TEA submitted under § 330.14(c) or a safety and effectiveness data submission under § 330.14(f). We estimate that one respondent will submit such a request each year and assume that preparing and submitting the request takes 1 hour.

Under § 330.14(k)(2), a sponsor may request that FDA not withdraw consideration of a TEA or safety and effectiveness data submission. We estimate one respondent will submit such a request each year and assume that preparing and submitting the request takes 2 hours.

To assist respondents with the information collection, we developed the guidance document entitled ''Time and Extent Applications for Nonprescription Drug Products'' (available from our website at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/time-and-extent-applications-nonprescription-drug-products*) issued consistent with our good guidance practice regulations at 21 CFR 10.115, which provide for comment at any time. The guidance explains what information an applicant should submit to FDA to

request that a drug product be included in the OTC drug monograph system and describes the process for submitting that information.

In the **Federal Register** of July 30, 2020 (85 FR 45892), we published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR part and activity	Number of respondents	No. of responses per respondent	Total annual responses	Average burden per response	Total hours
Time and extent application and submission of information (§ 330.14(c) and (d))	2	1	2	1,525	3,050
Safety and effectiveness data (§ 330.14(f) and (i))	2	1	2	2,350	4,700
Sponsor request for an informal conference (§ 330.14(j)(3))	1	1	1	1	1
Sponsor signed statement that submission is complete (§ 330.14(j)(4))	2	1	2	1	2
Sponsor request for FDA to withdraw TEA consideration (§ 330.14(k)(1))	1	1	1	1	1
Sponsor request for FDA not to deem the submission withdrawn (§ 330.14(k)(2))	1	1	1	2	2
Total					7,756

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: October 14, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–23357 Filed 10–21–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–5925]

21st Century Cures Act: Annual Compilation of Notices of Updates From the Susceptibility Test Interpretive Criteria Web Page; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the availability of the Agency's annual compilation of notices of updates to the Agency's Susceptibility Test Interpretive Criteria web page. The Agency established the Susceptibility Test Interpretive Criteria web page on December 13, 2017, and since establishment has provided updates to both the format of the web pages and to the susceptibility test interpretive criteria identified and recognized by FDA on the web pages. FDA is publishing this notice in accordance with procedures established by the 21st Century Cures Act (Cures Act).

DATES: This notice is published in the **Federal Register** on October 22, 2020.

ADDRESSES: You may submit either electronic or written comments and information as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–5925 for ''Susceptibility Test Interpretive Criteria Recognized and Listed on the Susceptibility Test Interpretive web page; Request for Comments.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The

second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Katherine Schumann, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6242, Silver Spring, MD 20993–0002, 301–796–1182, *Katherine.Schumann@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 511A of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360a–2), as added by section 3044 of the Cures Act (Pub. L. 114–255), was signed into law on December 13, 2016. This provision clarifies FDA's authority to identify and efficiently update susceptibility test interpretive criteria, including through the recognition by FDA of standards established by standards development organizations (SDOs). It also clarifies that sponsors of antimicrobial susceptibility testing devices may rely upon listed susceptibility test interpretive criteria to support premarket authorization of their devices, provided they meet certain conditions, which allows for a more streamlined process for incorporating up-to-date information into such devices.

In the **Federal Register** notice of December 13, 2017 (82 FR 58617), FDA announced the establishment of the Susceptibility Test Interpretive Criteria web page. This web page recognizes susceptibility test interpretive criteria established by an SDO that fulfills the requirements under section 511A(b)(2)(A) of the FD&C Act; identifies when FDA does not recognize, in whole or in part, susceptibility test interpretive criteria established by an SDO; and lists susceptibility test interpretive criteria identified by FDA outside the SDO process. The susceptibility test interpretive criteria listed by FDA on the Susceptibility Test Interpretive Criteria web page is deemed to be recognized as a standard under section 514(c)(1) of the FD&C Act (21 U.S.C. 360d(c)(1)). The Susceptibility Test Interpretive Criteria web page can be found at *https://www.fda.gov/STIC.*

On March 1, 2018, FDA published a notice in the **Federal Register** (83 FR 8883) requesting comments on FDA's initial susceptibility test interpretive criteria recognition and listing determinations on the Susceptibility Test Interpretive Criteria web page (*https://www.federalregister.gov/documents/2018/03/01/2018-04175/susceptibility-test-interpretive-criteria-recognized-and-listed-on-the-susceptibility-test*). FDA may consider information provided by interested third parties as a basis for evaluating new or updated interpretive criteria standards (section 511A(c)(2)(B) of the FD&C Act); third parties should submit any information they wish to convey to the Agency to Docket No. FDA–2017–N–5925. If comments are received, FDA will review those comments and will make, as appropriate, updates to the recognized standards or susceptibility test interpretive criteria.

At least every 6 months after the establishment of the Susceptibility Test Interpretive Criteria web page, FDA is required, as appropriate, to: (1) Publish on that web page a notice recognizing new or updated susceptibility test interpretive criteria standards, or recognizing or declining to recognize parts of standards; (2) withdraw recognition of susceptibility test interpretive criteria standards, or parts of standards; and (3) make any other necessary updates to the lists published on the Susceptibility Test Interpretive Criteria web page (section 511A(c)(1)(A) of the FD&C Act). FDA has provided notices of updates on the Susceptibility Test Interpretive Criteria web page, which can be found here: *https://www.fda.gov/Drugs/DevelopmentApprovalProcess/DevelopmentResources/ucm593952.htm.* Interested parties may also sign up to receive emails informing them of these updates as they occur by using the link provided either on the main Susceptibility Test Interpretive Criteria web page (*https://www.fda.gov/STIC*) or on the updates page.

Once a year, FDA is required to compile the new notices published on the Susceptibility Test Interpretive Criteria web page, publish them in the **Federal Register**, and provide for public comment (see section 511A(c)(3) of the FD&C Act). This **Federal Register** notice satisfies that requirement. If comments are received, FDA will review them and make updates to the recognized standards or susceptibility test interpretive criteria as needed.

II. Annual Compilation of Notices: Susceptibility Test Interpretive Criteria Web Page

Updates to Standards Recognition

As of June 10, 2019, the following standard is no longer recognized: Clinical and Laboratory Standards Institute (CLSI). Performance Standards for Antimicrobial Susceptibility Testing. 28th ed. CLSI supplement M100. Wayne, PA: Clinical and Laboratory Standards Institute; 2018.

As of June 10, 2019, with certain exceptions, FDA recognizes the standard published in: Clinical and Laboratory Standards Institute (CLSI). Performance Standards for Antimicrobial Susceptibility Testing. 29th ed. CLSI supplement M100. Wayne, PA: Clinical and Laboratory Standards Institute; 2019.

For disk diffusion, information regarding disk strength that is not included in recognized standards has been added for the following drugs: Delafloxacin, eravacycline, omadacycline, plazomicin, tigecycline.

TABLE 1—NOTICES OF UPDATES TO RECOGNIZED OR UPDATED SUSCEPTIBILITY TEST INTERPRETIVE CRITERIA (STIC) BY DRUG

Drug	Route of administration	Action taken	Therapeutic category	Date
Azithromycin	Oral, Injection	For *Neisseria gonorrhoeae,* STIC are not recognized at this time. FDA review of these STIC is ongoing.	Antibacterial	6/10/19
Cefiderocol	Injection	Added drug to antibacterial Susceptibility Test Interpretive Criteria web page. FDA identified STIC.	Antibacterial	11/18/19
Ceftaroline fosamil	Injection	Typographical error corrected	Antibacterial	8/29/19
Ceftolozane Tazobactam	Injection	For Enterobacteriaceae, an exception to the recognized standard is provided for Disk Diffusion. For *Haemophilus influenzae,* the FDA-identified STIC are provided. STIC are based on dosing regimens that differ by the serious infection being treated, and this information is provided.	Antibacterial	6/10/19
Cefuroxime	Injection	For *Neisseria gonorrhoeae,* FDA agrees with the recognized standard that it is no longer appropriate to list STIC.	Antibacterial	6/10/19
Ciprofloxacin	Oral, Injection	For Enterobacteriaceae and *Pseudomonas aeruginosa,* the updated standard is recognized.	Antibacterial	6/10/19
Colistimethate	Injection	For *Pseudomonas aeruginosa* and *Acinetobacter spp.,* FDA has reviewed these STIC and concludes that STIC cannot be recognized at this time.	Antibacterial	6/10/19
Daptomycin	Injection	For *Enterococcus* spp. (vancomycin-susceptible isolates only), an exception to the recognized standard is provided. FDA review of these STIC is ongoing.	Antibacterial	6/10/19
Delafloxacin	Injection, Tablets	FDA identified STIC	Antibacterial	10/25/19
Imipenem-Cilastatin-Relebactam.	Injection	FDA identified STIC	Antibacterial	7/18/19
Lefamulin	Oral, Injection	FDA identified STIC	Antibacterial	8/29/19
Levofloxacin	Oral, Injection	For Enterobacteriaceae and *Pseudomonas aeruginosa,* the updated standard is recognized.	Antibacterial	6/10/19
Meropenem	Injection	For *Acinetobacter* spp., the updated standard is recognized.	Antibacterial	12/23/19
Meropenem- Vaborbactam	Injection	For Enterobacteriaceae, the updated standard is recognized.	Antibacterial	6/10/19
Ofloxacin	Oral	For *Neisseria gonorrhoeae,* FDA identified STIC are provided. FDA review of these STIC is ongoing.	Antibacterial	6/10/19
Omeprazole magnesium, Amoxicillin, and Rifabutin.	Oral	Added drug to antibacterial Susceptibility Test Interpretive Criteria web page. No STIC identified at this time.	Antibacterial	11/18/19
Pretomanid	Oral	Added drug to antibacterial Susceptibility Test Interpretive Criteria web page. No STIC identified at this time.	Antibacterial	8/29/19

Dated: October 19, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–23439 Filed 10–21–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–1806]

Fit for Use Pilot Program Invitation for the Clinical Data Interchange Standards Consortium for Standard for Exchange of Nonclinical Data Implementation Guide Developmental and Reproductive Toxicology: Version 1.1

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing that it intends to conduct a Fit for Use (FFU) pilot program to test the processing and analysis of nonclinical study data provided electronically for the Clinical Data Interchange Standards Consortium (CDISC) for Standard for Exchange of Nonclinical Data (SEND) Implementation Guide (IG): Developmental and Reproductive Toxicology v1.1 (SEND–DART). The Agency's Center for Drug Evaluation and Research (CDER) will test the processing and analysis of nonclinical study data provided electronically in SEND–DART format. FDA is inviting individual firms that wish to participate in this pilot program to submit participation requests via email or in writing.

DATES: To be considered for participation in the pilot program, submit electronic or written requests by February 26, 2021. See the **ADDRESSES** section for participation request instructions.

ADDRESSES: Submit electronic requests to participate in the pilot and comments regarding this pilot project to Docket No. FDA–2020–N–1806 at *https://www.regulations.gov.* Submit written requests to participate in the pilot and comments regarding the pilot to Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time by February 26, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–N–1806 for ''Fit for Use Pilot Program Invitation for the Clinical Data Interchange Standards Consortium for Standard for Exchange of Nonclinical Data Implementation Guide: Developmental and Reproductive Toxicology v1.1.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT:

Jesse Anderson, Office of Computational Science, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 21, Rm. 1553, Silver Spring, MD 20993–0002, 301–348–1816, *Jesse.Anderson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Data Standards help FDA receive, process, review and archive submission data more efficiently and effectively. Study data standards describe a standard way to exchange clinical and nonclinical research data between computer systems. These standards provide a consistent general framework for organizing study data, including templates for datasets, standard names for variables, and a standard way of doing calculations with common variables. Study data standards are required for study data submitted to FDA's CDER per the published guidance.[1]

CDISC is an open, multidisciplinary, nonprofit organization that has established worldwide industry standards to support the electronic acquisition and submission of study data and metadata for medical and biopharmaceutical product development.[2] CDISC is currently facilitating and testing the extension of the SEND–DART standard for nonclinical toxicology data.

CDER completed a pilot project evaluating SEND 3.1 using SEND-formatted sample toxicology datasets. Phase 1 of the pilot supported the development of a SEND Implementation Guide (SENDIG) describing the process for formatting data from single and repeat-dose animal toxicity and carcinogenicity studies for submission purposes. During Phase 2 of the pilot, CDER evaluated submission of SEND formatted datasets and evaluated data validation and analysis tools capabilities. The outcomes of this pilot resulted in improvements to the SENDIG 3.1.[3]

Based on published guidance[4] studies initiated after December 17, 2016, must be submitted with data formatted in accordance with the data standards listed in the FDA Data Standards Catalog for new drug applications (NDAs), biologics license applications (BLAs), and abbreviated new drug applications (ANDAs). For investigational new drug applications (INDs), the requirement[5] applies to studies initiated after December 17, 2017. Different versions of SENDIGs are on the Data Standards Catalog, and the submission of SEND nonclinical datasets is expected to continue to increase in the future. This pilot will evaluate the compliance of sample SEND–DART datasets submitted to CDER. As part of this evaluation and in anticipation of FDA receiving datasets for regulatory review, the CDISC SEND team, in collaboration with CDER and available pilot participants, will update the SENDIG–DART as needed to include specific data elements and terms.

[1] See the guidance ''Providing Regulatory Submissions in Electronic Format-Standardized Study Data; Guidance for Industry'' at *https://www.fda.gov/media/82716/download.*

[2] See the CDISC website at *https://www.cdisc.org.*

[3] The updated guide can be found at *https://www.cdisc.org.* FDA has verified the website address, but the Agency is not responsible for any subsequent changes to the website address after this document publishes in the **Federal Register**.

[4] See the Technical Rejection Criteria for Study Data at *https://www.fda.gov/media/100743/download.*

[5] See footnote 4.

II. Project Participation

CDER is seeking a maximum of five participants in this pilot. The Center will use its discretion in choosing participants based on the completeness of the submission per the guidelines below. CDER requests participants to submit a nonclinical study package containing the materials:

- SEND–DART v1.1 datasets;
- final related study report containing individual animal data and summary tables [6] (PDF Format);
- nonclinical Study Data Reviewers Guide; [7]
- define.xml (v2.0); [8] and
- sample standardization study protocol.

CDER will prioritize nonclinical packages that contain Embryo-Fetal Development (EFD) Toxicity studies (using pre-bred females only) that contain data that is consistent with SEND–DART v1.1. Therefore, the studies that meet as many of the following use cases as possible will be the most sought out as participants in this pilot:

- Small animals (rodents, rabbits), pre-bred females, treatment period during implanted embryo's major organogenesis period;
- material toxicity endpoints (minimum CL, BW, FW, DS);
- caesarean section endpoints in PY, IC, FM, FX (pregnancy, Corpora Lutea, implantations, resorptions, fetal viability, fetal sex and body weights, fetal morphology);
- toxicokinetic females to illustrate in Trial Design and pregnancy results (PC, PP domains optional);
- LB domain optional since not routine in EFD Toxicity study;
- MA optional (if gross observations scheduled, may not be in preliminary EFD study);
- gravid uterine weights (OM domain) for deriving gravid uterus adjusted body weight; and
- pregnant, non-pregnant, toxicokinetic females to illustrate in Trial Design and pregnancy results (PC, PP domains optional).

Please indicate in your request for participation the extent to which your submission will meet the above listed criteria. Please also indicate whether you are willing to share anonymized data with the CDISC FFU team.

This pilot is intended to inform of the readiness of the SEND–DART standard and support improvements to the SEND–DART that will benefit FDA and submitters. Pilot participants commit to publicly share lessons learned with the CDISC SEND team to ensure that the CDISC SEND standard is improved for the community. Participants may redact any sensitive information as needed to enable sharing FDA feedback with the CDISC SEND team.

III. Requests for Participation

Requests to participate in the SEND–DART FFU pilot are to be identified with the Docket No. FDA–2020–N–1806. Interested persons should include the following information in the request: Contact name, contact phone number, email address, name of the sponsor, and address, as well as the description of the criteria met, addressing each of the items in the Project participation section.

Once requests for participation are received CDER will contact interested sponsors to discuss the pilot project and clarify requirements and expectations. The elapsed time duration of the pilot is expected to be approximately 9 months but may be extended as needed.

Dated: October 16, 2020.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2020–23393 Filed 10–21–20; 8:45 am]

BILLING CODE 4164–01–P

[6] See the FDA Study Data Resources web page, available at *https://www.fda.gov/ForIndustry/DataStandards/StudyDataStandards/default.htm.*

[7] See the PhUSE Wiki web page, available at *https://www.phusewiki.org/wiki/index.php?title=Nonclinical_Study_Data_Reviewers_Guide.*

[8] See Footnote 6.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Proposed Establishment of the Advisory Committee on Heritable Disorders in Newborns and Children

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Proposed Establishment of the Advisory Committee on Heritable Disorders in Newborns and Children (ACHDNC or Committee).

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA) and section 1111 of the Public Health Service (PHS) Act, HHS announces the establishment of the ACHDNC as a discretionary advisory committee.

FOR FURTHER INFORMATION CONTACT: Mia Morrison (DFO), Maternal and Child Health Bureau, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857; 301–443–2521; or *mmorrison@hrsa.gov.*

SUPPLEMENTARY INFORMATION: The ACHDNC provides advice and recommendations to the Secretary of HHS on policy, program development, and other matters of significance concerning certain activities described in section 1111 of the PHS Act (42 U.S.C. 300b–10), as further described below. The ACHDNC is also governed by the provisions of the FACA, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of advisory committees. The ACHDNC advises the Secretary of HHS about aspects of newborn and childhood screening and technical information for the development of policies and priorities that will enhance the ability of the state and local health agencies to provide for newborn and child screening, counseling, and health care services for newborns and children having, or at risk for, heritable disorders. The ACHDNC will review and report regularly on newborn and childhood screening practices, recommend improvements in the national newborn and childhood screening programs, and fulfill responsibilities described in section 1111 of the PHS Act. In addition, the ACHDNC's recommendations regarding inclusion of additional conditions for screening, following adoption by the Secretary of HHS, are considered evidence-informed preventive health services provided for in the comprehensive guidelines supported by HRSA through the Recommended Uniform Screening Panel (RUSP) pursuant to section 2713 of the PHS Act (42 U.S.C. 300gg–13). Under this provision, non-grandfathered group health plans and health insurance issuers offering group or individual health insurance are required to provide insurance coverage without cost-sharing (a co-payment, co-insurance, or deductible) for preventive services for plan years (*i.e.,* policy years) beginning on or after the date that is one year from the Secretary's adoption of the condition for screening.

Notice of Establishment: In accordance with the FACA and section 1111 of the PHS Act, (42 U.S.C. 300b–10) the Secretary of HHS announces the proposed establishment of the ACHDNC.

It has been determined that the formation of the ACHDNC is in the public interest in connection with the performance of duties imposed on the Department of Health and Human Services by law. A copy of the ACHDNC charter can be accessed on the ACHDNC website once available. A copy of the charter also can be obtained, once available, by accessing the FACA

database that is maintained by the Committee Management Secretariat of the General Services Administration. The website address for this database is *http://www.facadatabase.gov/.*

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2020–23363 Filed 10–21–20; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Presidential Advisory Council on HIV/AIDS

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

ACTION: Notice of a virtual meeting.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Service is hereby giving notice that the Presidential Advisory Council on HIV/AIDS (PACHA or the Council) will be holding the 69th full Council meeting utilizing virtual technology. PACHA members will be discussing HIV, the *Ending the HIV Epidemic: A Plan for America* (EHE) initiative, and the novel coronavirus (COVID–19). The meeting will be open to the public; a public comment session will be held during the meeting. Pre-registration is required to provide public comment. To pre-register to attend or to provide public comment, please send an email to *PACHA@hhs.gov* and include your name, organization, and title by close of business Friday November 20, 2020. If you decide you would like to provide public comment but do not pre-register, you may submit your written statement by emailing *PACHA@hhs.gov* by close of business Thursday, December 10, 2020. The meeting agenda will be posted on the PACHA page on *HIV.gov* at *https://www.hiv.gov/ federal-response/pacha/about-pacha* prior to the meeting.

DATES: The meeting will be held on Wednesday, December 2 and Thursday, December 3, 2020, from approximately 1:00 p.m. to 5:00 p.m. (ET) on both days. This meeting will be conducted utilizing virtual technology.

ADDRESSES: Instructions on attending this meeting virtually will be posted one week prior to the meeting at: *https://www.hiv.gov/federal-response/pacha/about-pacha.*

FOR FURTHER INFORMATION CONTACT: Ms. Caroline Talev, MPA, Public Health Analyst, Presidential Advisory Council on HIV/AIDS, 330 C Street SW, Room L609A, Washington, DC 20024; (202) 795–7622 or *PACHA@hhs.gov.* Additional information can be obtained by accessing the Council's page on the *HIV.gov* site at *www.hiv.gov/pacha.*

SUPPLEMENTARY INFORMATION: PACHA was established by Executive Order 12963, dated June 14, 1995, as amended by Executive Order 13009, dated June 14, 1996 and is currently operating under the authority given in Executive Order 13889, dated September 27, 2019. The Council was established to provide advice, information, and recommendations to the Secretary regarding programs and policies intended to promote effective prevention and care of HIV infection and AIDS. The functions of the Council are solely advisory in nature.

The Council consists of not more than 25 members. Council members are selected from prominent community leaders with particular expertise in, or knowledge of, matters concerning HIV and AIDS, public health, global health, philanthropy, marketing or business, as well as other national leaders held in high esteem from other sectors of society. Council members are appointed by the Secretary or designee, in consultation with the White House.

Dated: October 15, 2020.

B. Kaye Hayes,

Principal Deputy Director, Office of Infectious Disease and HIV/AIDS Policy, Executive Director, Presidential Advisory Council on HIV/AIDS, Office of the Assistant Secretary for Health, Department of Health and Human Services.

[FR Doc. 2020–23397 Filed 10–21–20; 8:45 am]

BILLING CODE 4150–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Engineering Immunity to HIV–1 Through Next Generation Vaccines (R61/R33 Clinical Trial Not Allowed).

Date: November 20, 2020.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 6701 Rockledge Drive, Room 1206, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: John C. Pugh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 6701 Rockledge Drive, Room 1206, Bethesda, MD 20892, (301) 435–2398, *pughjohn@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 16, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23369 Filed 10–21–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Rational Design of Vaccines Against Hepatitis C Virus (U19 Clinical Trial Not Allowed).

Date: November 18–19, 2020.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of

Health, 5601 Fishers Lane, Room 3E72, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Frank S. De Silva, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E72, Bethesda, MD 20892–9834, (240) 669–5023, *fdesilva@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 16, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23365 Filed 10–21–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program Board of Scientific Counselors; Announcement of Meeting; Request for Comments

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: This notice announces the next meeting of the National Toxicology Program (NTP) Board of Scientific Counselors (BSC). The BSC, a federally chartered, external advisory group composed of scientists from the public and private sectors, will review and provide advice on programmatic activities. This meeting is by webcast only and is open to the public. Written comments will be accepted and registration is required to present oral comments. Information about the meeting and registration are available at *https://ntp.niehs.nih.gov/go/165.*

DATES:

Meeting: Scheduled for December 3, 2020, at 12:30 p.m. to adjournment on December 4, 2020, at approximately 5:00 p.m. Eastern Standard Time (EST).

Written Public Comment Submissions: Deadline is November 20, 2020.

Registration for Oral Comments: Deadline is November 20, 2020.

ADDRESSES:

Meeting web page: The preliminary agenda, registration, and other meeting materials are available at *https://ntp.niehs.nih.gov/go/165.*

Webcast: The URL for viewing the meeting webcast will be provided on the meeting web page.

FOR FURTHER INFORMATION CONTACT: Dr. Mary Wolfe, Designated Federal Official for the BSC, Office of Liaison, Policy and Review, Division of NTP, NIEHS, P.O. Box 12233, K2–03, Research Triangle Park, NC 27709. Phone: 984–287–3209, Fax: 301–451–5759, Email: *wolfe@niehs.nih.gov.* Hand Deliver/Courier address: 530 Davis Drive, Room K2130, Morrisville, NC 27560.

SUPPLEMENTARY INFORMATION: The BSC will provide input to the NTP on programmatic activities and issues. The preliminary agenda topics include an update on the status of the Division of the National Toxicology Program (DNTP)'s strategic realignment, an introduction to DNTP's draft strategic plan, and presentations from two program areas. The preliminary agenda, roster of BSC members, background materials, public comments, and any additional information, when available, will be posted on the BSC meeting web page (*https://ntp.niehs.nih.gov/go/165*) or may be requested in hardcopy from the Designated Federal Official for the BSC. Following the meeting, summary minutes will be prepared and made available on the BSC meeting web page.

Meeting Attendance Registration: The meeting is open to the public with time scheduled for oral public comments. Registration is not required to view the webcast; the URL for the webcast is provided on the BSC meeting web page (*https://ntp.niehs.nih.gov/go/165*). TTY users should contact the Federal TTY Relay Service at 800–877–8339. Requests should be made at least five business days in advance of the event.

Written Public Comments: NTP invites written public comments. Guidelines for public comments are available at *https://ntp.niehs.nih.gov/ntp/about_ntp/guidelines_public_comments_508.pdf.*

The deadline for submission of written comments is November 20, 2020. Written public comments should be submitted through the meeting web page. Persons submitting written comments should include name, affiliation, mailing address, phone, email, and sponsoring organization (if any). Written comments received in response to this notice will be posted on the NTP web page, and the submitter will be identified by name, affiliation, and sponsoring organization (if any).

Oral Public Comment Registration: The agenda allows for four formal public comment periods—two comment periods on Day 1 for DNTP's strategic realignment and draft strategic plan and two comment periods on Day 2 for the two program areas (up to 3 commenters, up to 5 minutes per speaker, per topic). Persons wishing to make an oral comment are required to register online at *https://ntp.niehs.nih.gov/go/165* by November 20, 2020. Oral comments will be received only during the formal comment periods indicated on the preliminary agenda. Oral comments will only be by teleconference line. The access number for the teleconference line will be provided to registrants by email prior to the meeting. Registration is on a first-come, first-served basis. Each organization is allowed one time slot per topic. After the maximum number of speakers per comment period is exceeded, individuals registered to provide oral comment will be placed on a wait list and notified should an opening become available. Commenters will be notified approximately one week before the meeting about the actual time allotted per speaker.

If possible, oral public commenters should send a copy of their slides and/or statement or talking points to *NTP-Meetings@icf.com* by November 20, 2020.

Meeting Materials: The preliminary meeting agenda is available on the meeting web page (*https://ntp.niehs.nih.gov/go/165*) and will be updated one week before the meeting. Individuals are encouraged to access the meeting web page to stay abreast of the most current information regarding the meeting.

Background Information on the BSC: The BSC is a technical advisory body comprised of scientists from the public and private sectors that provides primary scientific oversight to the NTP. Specifically, the BSC advises the NTP on matters of scientific program content, both present and future, and conducts periodic review of the program for the purpose of determining and advising on the scientific merit of its activities and their overall scientific quality. Its members are selected from recognized authorities knowledgeable in fields such as toxicology, pharmacology, pathology, epidemiology, risk assessment, carcinogenesis, mutagenesis, cellular biology, computational toxicology, neurotoxicology, genetic toxicology, reproductive toxicology or teratology, and biostatistics. Members serve overlapping terms of up to four years. The BSC usually meets periodically. The authority for the BSC is provided by 42 U.S.C. 217a, section 222 of the Public Health Service Act (PHS), as amended.

The BSC is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. app.), which sets forth standards for the formation and use of advisory committees.

Dated: October 19, 2020.

Brian R. Berridge,

Associate Director, National Toxicology Program.

[FR Doc. 2020–23444 Filed 10–21–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Emergency Awards: Rapid Investigation of Severe Acute Respiratory Syndrome Coronavirus 2 (SARS–CoV–2) and Coronavirus Disease 2019 (COVID–19).

Date: November 20, 2020.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Tara Capece Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20852 ,240–191–4281, *capecet2@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 16, 2020.

Tyeshia M. Roberson,

Program Analyst. Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23373 Filed 10–21–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Development of a Direct Ocular Administered Formulation of Metformin for Use in Therapeutic Treatment of Retinal Degenerative Diseases in Humans

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Eye Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice certain of the inventions embodied in the Patents and Patent Applications listed in the **SUPPLEMENTARY INFORMATION** section of this notice to Connectyx Technologies Holdings Group located in Boca Raton, Florida.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before November 6, 2020 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated an Exclusive Patent License should be directed to: Tedd Fenn, Senior Technology Transfer Manager, NCI Technology Transfer Center at Telephone: (240) 276–5530 or Email: *Tedd.Fenn@nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

U.S. provisional patent application No. 62/899,899 and entitled, ''Druggable Targets to Treat Retinal Degeneration'' filed September 13, 2019 (E–227–2017–US–01); International Patent Application No.: PCT/US2020/050540 and entitled, ''Druggable Targets to Treat Retinal Degeneration'' filed September 11, 2020 (E–227–2017–PCT–02); and U.S. and foreign patent applications claiming priority to the aforementioned applications.

The patent rights in these inventions have been assigned to the government of the United States of America.

The prospective exclusive license territory may be worldwide, and the field of use may be limited to rights to develop, make use and sell, a direct ocular-administered formulation of metformin for use as therapeutics to treat retinal degenerative diseases in human.

Metformin administration to Retinal Pigment Epithelium (''RPE'') cells derived from age-related macular degeneration patients and to RPE cells derived from Stargart's-patients shows reduced accumulations of disease associated retinal deposits, suggesting clinical treatment value for metformin in retinal degenerative diseases. Metformin is FDA approved for the treatment of diabetes. No formulation of metformin is available for direct ocular use. Development of a direct ocular delivery metformin formulation could provide improved treatment effects for retinal degenerative diseases, without major systemic side effects.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: October 15, 2020.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2020–23386 Filed 10–21–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Microbiology, Infectious Diseases and AIDS Initial Review Group; Microbiology and Infectious Diseases Research Committee, Microbiology and Infectious Diseases Research Committee (MID).

Date: February 24–25, 2021.

Time: 10:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G51, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Amir E. Zeituni, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G51, Bethesda, MD 20892–9834, 301–496–2550, *amir.zeituni@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 16, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23368 Filed 10–21–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Initial Review Group; Medication Development Research Subcommittee.

Date: November 5, 2020.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ivan K. Navarro, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, 3WFN, 9th Floor, MSC 6021, 301 North Stonestreet Avenue, Bethesda, MD 20892, 301–827–5833, *ivan.navarro@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: October 16, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23371 Filed 10–21–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Interventions and Mechanisms for Addiction.

Date: November 18, 2020.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Marc Boulay, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892 (301) 300–6541, *boulaymg@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Medical Imaging.

Date: November 19–20, 2020.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Leonid V. Tsap, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7854, Bethesda, MD 20892, (301) 435–2507, *tsapl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Infectious Disease and Microbiology Fellowship Panel II.

Date: November 19, 2020.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Tamara Lyn McNealy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, Bethesda, MD 20892, 301–827–2372, *tamara.mcnealy@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Biochemistry and Biophysics of Biological Macromolecules.

Date: November 19–20, 2020.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sudha Veeraraghavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7846, Bethesda, MD 20892, (301) 435–1504, *sudha.veeraraghavan@nih.gov*.

Name of Committee: AIDS and Related Research Integrated Review Group, HIV Immunopathogenesis and Vaccine Development Study Section.

Date: November 19–20, 2020.

Time: 10:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shiv A. Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–15–358: Molecular and Cellular Causal Aspects of Alzheimer's Disease.

Date: November 19, 2020.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Adem Can, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, (301) 435–1042, *cana2@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biomedical Sensing, Measurement and Instrumentation.

Date: November 19–20, 2020.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Inna Gorshkova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1784, *gorshkoi@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Community Interventions to Address the Consequences of the COVID–19 Pandemic Among Health Disparity and Vulnerable Populations.

Date: November 19–20, 2020.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kate Fothergill, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3142, MSC 7770, Bethesda, MD 20892, (301) 435–2309, *fothergillke@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Reproduction and Metabolism.

Date: November 19, 2020.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Liliana N. Berti-Mattera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 6158, MSC 7890, Bethesda, MD 20892, (301) 827–7609, *liliana.berti-mattera@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Endocrinology, Metabolism, Nutrition and Reproductive Sciences.

Date: November 19–20, 2020.

Time: 11:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yunshang Piao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, Bethesda, MD 20892, 301.402.8402, *piaoy3@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Aspects of Development and Disease in the Cornea.

Date: November 19, 2020.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Julius Cinque, MS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435–1252, *cinquej@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Computational Fellowship.

Date: November 19, 2020.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Nuria E. Assa-Munt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4164, MSC 7806, Bethesda, MD 20892, (301) 451–1323, *assamunu@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Molecular, Cellular and Drug Based Approaches to Visual Disorders.

Date: November 19, 2020.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jyothi Arikkath, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, Bethesda, MD 20892, (301) 435–1042, *arikkathj2@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 16, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23374 Filed 10–21–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Diversity Training Grants.

Date: November 10, 2020.

Time: 11:30 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20814 (Virtual Meeting).

Contact Person: Michael P Reilly, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208–Z, Bethesda, MD 20892, (301) 827–7975, *reillymp@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Program Project Applications—(SEP P01).

Date: November 19, 2020.

Time: 11:00 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20814 (Virtual Meeting).

Contact Person: Zhihong Shan, Ph.D, MD, Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 205–J, Bethesda, MD 20892, (301) 827–7085, *zhihong.shan@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 16, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23356 Filed 10–21–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Development of a Topical Ointment Containing Immunostimulatory CpG Oligodeoxynucleotides (ODN) for Dermatological Wound Healing

AGENCY: National Institutes of Health, HHS

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Supplementary Information section of this notice to Six Therapeutics Technologies Holdings Group. (''Six Therapeutics'') located in New Jersey.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before November 6, 2020 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated an Exclusive Patent License should be directed to: *** Rose. M. Freel, Ph.D., Senior Licensing and Patenting Manager, NCI Technology Transfer Center at (301) 624–8775 or Email: *rose.freel@nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

United States Provisional Patent Application No. 61/639,688, filed April 27, 2012 and entitled ''Use of CPG oligonucleotides co-formulated with an antibiotic to accelerate wound healing'' [HHS Reference No. E–294–2011/0–US–01];

PCT Patent Application PCT/US2013/034639, filed March 29, 2013 and entitled ''Use of CPG oligonucleotides co-formulated with an antibiotic to accelerate wound healing'' [HHS Reference No. E–294–2011/0–PCT–02];

Australian Patent No. 2013252785, filed March 29, 2013, issued August 24, 2017, and entitled ''Use of CPG oligonucleotides co-formulated with an antibiotic to accelerate wound healing'' [HHS Reference No. E–294–2011/0–AU–03];

Canadian Patent Application No. 2871490, filed March 29, 2013, and entitled ''Use of CPG oligonucleotides co-formulated with an antibiotic to accelerate wound healing'' [HHS Reference No. E–294–2011/0–CA–04];

U.S. Patent No. 10,076,535, filed October 24, 2014, issued September 18, 2018, and entitled ''Use of CPG oligonucleotides co-formulated with an antibiotic to accelerate wound healing'' [HHS Reference No. E–294–2011/0–US–05]; and

U.S. Patent No. 8,466,116, filed September 5, 2008, issued June 18, 2013, and entitled ''Use Of CpG Oligodeoxynucleotides To Induce Epithelial Cell Growth'' [HHS Reference No. E–328–2001/1–US–01].

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide and the field of use may be limited to: ''Topical ointment containing K-type CpG oligodeoxynucleotides that activate Toll-like receptor 9 to induce angiogenesis and epithelial cell growth, alone or in combination with other agents, for dermatological wound healing.''

This technology discloses the use of CpG oligodeoxynucleotides (ODNs) to accelerate wound healing. The E–294–2011/0, technology relates to an antibiotic composition containing the toll-like receptor-7 (TLR7) ligand (imidazoquinoline) and an immunostimulatory K ODN. There is evidence that this formulation may produce more rapid wound healing versus standard antibiotic formulations. Because standard antibiotics eliminate bacteria at a wound site, they also eliminate the molecular signals present in bacterial DNA that stimulate the immune system's wound healing processes. The ODN and imidazoquinoline act as artificial immune stimulants that mimic the bacterial signals to improve healing rates. The E–328–2001/1 technology relates to a method of inducing epithelial cell growth by administration of immunostimulatory ODNs. The stimulation of epithelial cell growth also promotes wound healing.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: October 15, 2020.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2020–23385 Filed 10–21–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Reducing Stigma Related to Drug Use in Human Service Settings (R34, R21).

Date: December 9, 2020.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Preethy Nayar, Ph.D., M.B.B.S., M.S., Scientific Review Officer, Scientific Review Branch, National Institute on Drug Abuse, NIH, 3WFN, 9th Floor, MSC 6021, 301 North Stonestreet Avenue, Bethesda, MD 20892, 301–443–4577, *nayarp2@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist

Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: October 16, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–23370 Filed 10–21–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0030]

Agency Information Collection Activities: Declaration of Unaccompanied Articles

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted (no later than November 23, 2020) to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (Volume 85 FR Page 50831) on August 18, 2020, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Title: Declaration of Unaccompanied Articles.

OMB Number: 1651–0030.

Form Number: CBP Form 255.

Current Actions: This submission is being made to extend the expiration date of this information collection with no change to the burden hours or the information being collected.

Type of Review: Extension (without change).

Affected Public: Individuals.

Abstract: CBP Form 255, Declaration of Unaccompanied Articles, is completed by travelers arriving in the United States with a parcel or container which is to be sent from an insular possession at a later date. It is the only means whereby the CBP officer, when the person arrives, can apply the exemptions or 5 percent flat rate of duty to all of the traveler's purchases.

CBP Form 255 is authorized by 19 U.S.C. 1202 (Chapter 98, Subchapters IV and XVI) and provided for by 19 CFR 145.12, 145.43, 148.110, 148.113, 148.114, 148.115 and 148.116. A sample of this form can be viewed at *https://www.cbp.gov/newsroom/publications/forms?title=255&=Apply#.*

Type of Collection: CBP Form 255.

Estimated Number of Respondents: 7,500.

Estimated Number of Annual Responses per Respondent: 2.

Estimated Number of Total Annual Responses: 15,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 1,250.

Dated: October 19, 2020.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2020–23438 Filed 10–21–20; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0049]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Request for Verification of Naturalization

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until November 23, 2020.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://*

www.regulations.gov under e-Docket ID number USCIS–2005–0036. All submissions received must include the OMB Control Number 1615–0049 in the body of the letter, the agency name and Docket ID USCIS–2005–0036.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on July 20, 2020, at 85 FR 43871, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2005–0036 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Request for Verification of Naturalization.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N–25; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State, local or Tribal Government. This form will allow U.S. Citizenship and Immigration Services (USCIS) to obtain verification from the courts that a person claiming to be a naturalized citizen has, in fact, been naturalized.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N–25 is 1,000 and the estimated hour burden per response is 0.25 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 250 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $500 for 1st class mail postage.

Dated: October 16, 2020.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020–23388 Filed 10–21–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0130]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Record of Abandonment of Lawful Permanent Residence Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until November 23, 2020.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2013–0005. All submissions received must include the OMB Control Number 1615–0130 in the body of the letter, the agency name and Docket ID USCIS–2013–0005.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal**

Register on August 7, 2020, at 85 FR 47980, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2013–0005 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Record of Abandonment of Lawful Permanent Resident Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–407; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Lawful Permanent Residents (LPRs) use Form I–407 to inform USCIS and formally record their abandonment of lawful permanent resident status. U.S. Citizenship and Immigration Services uses the information collected in Form I–407 to record the LPR's abandonment of lawful permanent resident status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–407 is 13,800 and the estimated hour burden per response is .33 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 4,554 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $3,381,000.

Dated: October 16, 2020.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020–23389 Filed 10–21–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0144]

Agency Information Collection Activities; Revision of a Currently Approved Collection: H–1B Registration Tool

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until December 21, 2020.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0144 in the body of the letter, the agency name and Docket ID USCIS–2008–0014. Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number USCIS–2008–0014. USCIS is limiting communications for this Notice as a result of USCIS' COVID–19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *https://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: *https://www.regulations.gov* and entering USCIS–2008–0014 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at *https://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that

is available via the link in the footer of *https://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* H–1B Registration Tool.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* OMB–64; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. USCIS uses the data collected through the H–1B Registration Tool to select a sufficient number of registrations projected to meet the applicable H–1B cap allocations and to notify registrants whether their registration was selected.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection H–1B Registration Tool is 275,000 and the estimated hour burden per response is 0.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 137,500 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $0. There are no costs for submitting this collection of information, it is online and only a registration.

Dated: October 16, 2020.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020–23391 Filed 10–21–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0111]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Petition for CNMI-Only Nonimmigrant Transition Worker and Semiannual Report for CW–1 Employers

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

USCIS made one change to the Form I–129CWR Instructions being submitted with this 30-day **Federal Register** Notice to correct a legal error. The first two rows of the table on page 1 identifying the CW–1 petition validity period and whether Form I–129CWR must be filed were updated to reflect the correct time ranges during which Form I–129CWR is and is not required.

USCIS made one change to the Form I–129CW Instructions being submitted with this 30-day **Federal Register** Notice to correct a legal error. The use of ''children under 21'' in the I–129CW instructions was corrected to ''children under 18'' to properly reflect the regulatory definition at 8 CFR 214.2(w)(1)(ix) that a minor child is a child as defined in section 101(b)(1) of the Immigration and Nationality Act, who is under 18 years of age.

DATES: Comments are encouraged and will be accepted until November 23, 2020.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2012–0011. All submissions received must include the OMB Control Number 1615–0111 in the body of the letter, the agency name and Docket ID USCIS–2012–0011.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on July 20, 2020, at 85 FR 43869, allowing for a 60-day public comment period. USCIS received two comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2012–0011 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that

is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for CNMI-Only Nonimmigrant Transition Worker and Semiannual Report for CW–1 Employers.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–129CW; I–129CWR; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. USCIS uses the data collected on Form I–129CW to determine eligibility for the requested immigration benefits. An employer uses Form I–129CW to petition USCIS for an alien to temporarily enter as a nonimmigrant into the CNMI to perform services or labor as a CW–1 worker. An employer also uses Form I–129CW to request an extension of stay or change of status on behalf of the alien worker. The Form I–129CW serves the purpose of standardizing requests for these benefits and ensuring that the basic information required to determine eligibility is provided by the petitioners.

Form I–129CWR, Semiannual Report for CW–1 Employers, is used by employers to comply with the reporting requirements imposed by the Workforce Act. Form I–129CWR captures data USCIS requires to help verify the continuing employment and payment of the CW–1 worker. DHS may provide such semiannual reports to other federal partners, including the U.S. Department of Labor (DOL) for investigative or other use as DOL may deem appropriate. Congress expressly provided for these semiannual reports to be shared with DOL. 48 U.S.C. 1086(d)(3)(D)(ii).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–129CW is 5,975 and the estimated hour burden per response is 4 hours; the estimated total number of respondents for the information collection Form I–129CWR is 5,975 and the estimated hour burden per response is 2.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 38,838 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $3,809,062.50.

Dated: October 16, 2020.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020–23390 Filed 10–21–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[20X LLUTW01000 L14400000.EU0000 241A; UTU–81923]

Notice of Realty Action: Recreation and Public Purposes Act Classification and Conveyance of Public Land to the Town of Cedar Fort, Utah County, Utah; Termination of Prior Classification and Opening Order of Public Land, Utah County, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: In accordance with Section 7 of the Taylor Grazing Act and Executive Order 6910, the Bureau of Land Management (BLM) has examined certain public lands in Utah County, Utah, totaling 7.5 acres, and found them suitable for conveyance to the Town of Cedar Fort under the Recreation and Public Purposes (R&PP) Act, as amended. The BLM is also terminating the prior R&PP classification and segregation on the adjacent 92.5 acres of public lands.

DATES: Interested parties may submit written comments regarding this action on or before December 7, 2020.

ADDRESSES: Send written comments to Allison Ginn, Acting Field Manager, BLM Salt Lake Field Office, 2370 S Decker Lake Blvd., West Valley City, Utah 84119. The BLM will also consider comments received via email at *blm_ut_sl_comments@blm.gov.* Detailed information including a proposed plan of development, maps, and the project casefile are available for review upon request by contacting the BLM Salt Lake Field Office at (801) 977–4300 during business hours, 8 a.m. to 4:30 p.m. Mountain Daylight Time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Shawn Storbo, Realty Specialist, at (801) 977–4368 or *sstorbo@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to leave a message or question for the above individual. The FRS is available 24 hours a day, 7 days a week. Replies are provided during normal business hours.

SUPPLEMENTARY INFORMATION: In 1984, the BLM classified for disposal by lease and/or sale 100 acres of public land under the R&PP Act and concurrently withdrew the lands from all forms of appropriation, including the mining laws, but not the mineral leasing laws. An R&PP lease for these acres was issued to the Town of Cedar Fort in 1984. The Town of Cedar Fort has subsequently developed community and recreational resources on the parcel under the R&PP lease and a right-of-way grant. This lease was most recently renewed under a new serial number and plan of development in June 2007.

Classification and Conveyance

The Town of Cedar Fort has filed an application for conveyance of a portion of the public lands that were originally classified for disposal by lease and/or sale under the R&PP Act in 1984. In accordance with the R&PP Act, the BLM will convey to Cedar Fort only the acres necessary and developed per their approved plan of development. Cedar Fort will continue its use and operation of the lands for the Cedar Fort Community and Recreation Center with its associated facilities and for other recreation and public purposes. Per this application, the BLM examined and classified as suitable for conveyance

under the R&PP Act the following legally described lands:

Salt Lake Meridian, Utah

T. 6 S., R. 2 W.,
Sec. 7, NE¼NW¼NE¼NE¼,
NW¼NW¼NE¼NE¼,
NE¼NE¼NW¼NE¼.

The area described contains 7.5 acres.

The Town of Cedar Fort has not applied for more than the 6,400-acre limitation for recreation uses in a year (or 640 acres for nonprofit corporations and associations), nor more than 640 acres for each of the programs involving public resources other than recreation. The Town of Cedar Fort submitted a statement in compliance with Federal regulations at 43 CFR 2741.4(b).

The conveyance is consistent with the Pony Express Resource Management Plan, as amended. In conformance with the National Environmental Policy Act, the BLM prepared a parcel-specific Environmental Assessment (DOI–BLM–UT–020–2007–030) for this lease and conveyance. The BLM approved a Finding of No Significant Impact and Decision Record to implement the classification and conveyance of these lands. Pursuant to the requirements established by Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620(h)), as amended by the Superfund Amendments and Reauthorization Act of 1988, (100 Stat. 1670), the above-described parcel was examined and no evidence was found to indicate that any hazardous substances were stored for one year or more, nor had any hazardous substances been disposed of or released on the subject property.

Parties of interest will receive a copy of this Notice. The BLM will submit for publication a copy of this Notice in a newspaper with local circulation once a week for three consecutive weeks. No public meeting is required for this classification and conveyance, as the conveyance is for less than 640 acres (43 CFR 2741.5(d)(2)).

Publication of this Notice in the **Federal Register** segregates the 7.5 acres from appropriation under any other public land law, including locations under the mining laws, except for lease or conveyance under the R&PP Act and leasing under the mineral leasing laws. The segregation effect shall terminate upon issuance of the patent, upon final rejection of the application, or 18 months from the date of this notice, whichever occurs first.

The conveyance of the land, when issued, will be subject to the following terms, conditions, and reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).
2. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.
3. All mineral deposits in the land so patented, and the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations as established by the Secretary of the Interior are reserved to the United States, together with all necessary access and exit rights.
4. Conveyance of the parcel is subject to valid existing rights.
5. An appropriate indemnification clause protecting the United States from claims arising out of the lessee's/patentee's use, occupancy, or occupations on the leased/patented lands.
6. The land conveyed shall revert to the United States upon a finding, after notice and opportunity for a hearing, that, without the approval of the Secretary of the Interior or his delegate, the patentee or its successor attempts to transfer title to or control over the lands to another, the lands have been devoted to a use other than that for which the lands were conveyed, the lands have not been used for the purpose for which the lands were conveyed for a five-year period, or the patentee has failed to follow the approved development plan or management plan.
7. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Termination of Prior Classification and Opening Order

Of the 100 acres of public land classified under the R&PP Act in 1984 and concurrently withdrawn from all forms of appropriation, including under the mining laws, but not the mineral leasing laws, 92.5 acres are not included in the present classification and conveyance. The prior classification of these 92.5 acres and the segregative effect is hereby terminated. The lands will be opened to operation of the public land laws generally, including the United States mining laws, subject to valid existing rights and the requirements of applicable law. This opening order takes effect at 8 a.m. on October 22, 2020. These lands are legally described as follows:

Salt Lake Meridian, Utah

T. 6 S., R. 2 W.,
Sec. 7, NE¼NE¼NE¼,
S½NW¼NE¼NE¼,
N½SW¼NE¼NE¼,
N½SE¼NE¼NE¼,
NW¼NE¼NW¼NE¼,
S½NE¼NW¼NE¼, NW¼NW¼NE¼,
N½SW¼NW¼NE¼,
N½SE¼NW¼NE¼, NE¼NW¼.

The area described contains 92.5 acres.

Appropriation under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The BLM will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determination in local courts.

Comments

Interested persons may submit comments involving the suitability of the land for the continued use and operation of the Cedar Fort Community and Recreation Center with its associated facilities and for other recreation and public purposes. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Interested persons may submit comments regarding the specific use proposed in the application and plan of development and management, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the lands for the continued use and operation of the Cedar Fort Community and Recreation Center with its associated facilities and for other recreation and public purposes.

The BLM State Director or other authorized official of the Department of the Interior who may sustain, vacate, or modify this realty action will review any adverse comments. In the absence of any adverse comments, the classification of 7.5 acres under the R&PP Act for conveyance will become effective on December 21, 2020. The lands will not be available for conveyance until after the classification becomes effective.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your

personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 2741.5; 43 CFR 2461.5(c)(2); 43 CFR 2091.2–2(a)(2).

Gregory Sheehan,

State Director.

[FR Doc. 2020–23412 Filed 10–21–20; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAK940000.L14100000. BX0000.21X.LXSS001L0100]

Filing of Plats of Survey: Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of lands described in this notice are scheduled to be officially filed in the Bureau of Land Management (BLM), Alaska State Office, Anchorage, Alaska. The surveys, which were executed at the request of the Bureau of Indian Affairs and BLM, are necessary for the management of these lands.

DATES: The BLM must receive protests by November 23, 2020.

ADDRESSES: You may buy a copy of the plats from the BLM Alaska Public Information Center, 222 W 7th Avenue, Mailstop 13, Anchorage, AK 99513. Please use this address when filing written protests. You may also view the plats at the BLM Alaska Public Information Center, Fitzgerald Federal Building, 222 W 8th Avenue, Anchorage, Alaska, at no cost.

FOR FURTHER INFORMATION CONTACT: Thomas B. O'Toole, Chief, Branch of Cadastral Survey, Alaska State Office, Bureau of Land Management, 222 W 7th Avenue, Anchorage, AK 99513; 907–271–4231; *totoole@blm.gov.* People who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the BLM during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are:

Copper River Meridian, Alaska

T. 12 N., R. 20 E., Correction of Survey Plat, dated September 4, 2020, corrects the label of lots 2 and 3 of section 34, as depicted on the township plat accepted for the Director on July 15, 1980

T. 16 S., R. 4 W., accepted September 17, 2020

U.S. Survey No. 14501, accepted September 10, 2020, situated in T. 20 N., R. 11 E.

U.S. Survey No. 14504, accepted September 18, 2020, situated in T. 26 N., R. 14 E.

Seward Meridian, Alaska

T. 7 N., R. 9 E., Correction of Survey Plat, dated September 16, 2020, corrects the label AREA A to read TRACT A, as depicted on the township plat officially filed February 12, 1998

U.S. Survey No. 9083, Correction of Survey Plat, dated October 6, 2020, corrects the Parcels Area in the plat memorandum on sheet 1 of 4 sheets, situated in T. 13 N., R. 4 W., as depicted on the township plat officially filed March 12, 2009

U.S. Survey No. 14480, Cancelation of survey plat, dated October 16, 2020, officially filed February 15, 2018, situated in T. 8 S., R. 32 W.

U.S. Survey No. 14480, accepted October 16, 2020, situated in T. 8 S., R. 32 W.

A person or party who wishes to protest one or more plats of survey identified above must file a written notice of protest with the State Director for the BLM in Alaska. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. You must file the notice of protest before the scheduled date of official filing for the plat(s) of survey being protested. The BLM will not consider any notice of protest filed after the scheduled date of official filing. A notice of protest is considered filed on the date it is received by the State Director for the BLM in Alaska during regular business hours; if received after regular business hours, a notice of protest will be considered filed the next business day. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director for the BLM in Alaska within 30 calendar days after the notice of protest is filed.

If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personally identifiable information in a notice of protest or statement of reasons, you should be aware that the documents you submit, including your personally identifiable information, may be made publicly available in their entirety at any time. While you can ask the BLM to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chap. 3.

Thomas B. O'Toole,

Chief Cadastral Surveyor, Alaska.

[FR Doc. 2020–23448 Filed 10–21–20; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNMP0000 L91410000.PP0000 19XL5573AR]

Notice of Public Meeting, Southern New Mexico Resource Advisory Council, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM) Southern New Mexico Resource Advisory Council (RAC) will meet as indicated below.

DATES: The RAC will meet on December 2, 2020, from 9:00 a.m.–3:45 p.m. MST at the location listed in the **ADDRESSES** section. Due to public health restrictions, members of the RAC and members of the public may also participate in the meeting virtually.

ADDRESSES: The meeting will be held at the Desert Lakes Golf Course, 2351 Hamilton Road, Alamogordo, New Mexico 88310. The meeting will also be held via the Zoom Webinar Platform. To register, visit *https://blm.zoomgov.com/webinar/register/WN_IdDVNexRSJWyPzwqRY1YNQ*

FOR FURTHER INFORMATION CONTACT: Glen Garnand, Pecos District Office, Bureau of Land Management, 2909 West 2nd Street, Roswell, New Mexico 88201; 575–627–0209. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8229 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 12-member Southern New Mexico RAC

provides recommendations to the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in the RAC's area of jurisdiction.

Planned agenda items include: Member training; nominations of Chair and Vice Chair; overview of the BLM Las Cruces District, Pecos District, and Socorro Field Office major actions; the proposed fee structure at the Rob Jaggers Campground; and the Federal Lands Recreation Enhancement Act and updates from the U.S. Forest Service for the Gila, Cibola, and Lincoln National Forests. The agenda may be subject to change.

All RAC meetings are open to the public and will be streamed via the Zoom Webinar Platform. To register to participate virtually in the RAC meeting, please visit: *https://blm.zoomgov.com/webinar/register/WN_IdDVNexRSJWyPzwqRY1YNQ.*

Individuals may submit written comments for consideration by the RAC. Submissions may be filed in advance of the meeting (see **FOR FURTHER INFORMATION CONTACT**.) Please include ''RAC Comment'' in your submission.

The BLM welcomes comments from all interested parties. There will be a half-hour public comment period starting at 2:30 p.m. MST for any interested members of the public who wish to address the RAC. Depending on the number of persons wishing to speak and time available, the time for individual comments may be limited.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 1784.4–2.

William Childress,

BLM Las Cruces District Manager.

[FR Doc. 2020–23413 Filed 10–21–20; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR04093000, XXXR4081X3, RX.05940913.FY19400]

Public Meeting of the Glen Canyon Dam Adaptive Management Work Group

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the Bureau of Reclamation (Reclamation) is publishing this notice to announce that a Federal Advisory Committee meeting of the Glen Canyon Dam Adaptive Management Work Group (AMWG) will take place.

DATES: The meeting will be held on Tuesday, November 17, 2020, via WebEx/conference call from 9:00 a.m. to 11:00 a.m. (MST).

ADDRESSES: The meeting will be held virtually. The WebEx may be accessed at *https://bor.webex.com/bor/j.php?MTID=m942932f02a2de6f651020655d4662a35*, Meeting Number: 199 040 4834, Password: AMWG.

FOR FURTHER INFORMATION CONTACT: Ms. Lee Traynham, Bureau of Reclamation, telephone (801) 524–3752; email at *ltraynham@usbr.gov.*

SUPPLEMENTARY INFORMATION: The Glen Canyon Dam Adaptive Management Program was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102–575) of 1992. The AMWG makes recommendations to the Secretary of the Interior concerning Glen Canyon Dam operations and other management actions to protect resources downstream of Glen Canyon Dam, consistent with the Grand Canyon Protection Act. The AMWG meets two to three times a year.

Agenda: The AMWG will meet in this special session to consider recommending to the Secretary of the Interior a spring test flow and associated research and monitoring at Glen Canyon Dam. Consideration of this FY 2021–2023 workplan proposal was deferred during the August 2020 AMWG meeting. To view a copy of the agenda and documents related to the above meeting, please visit Reclamation's website at *https://www.usbr.gov/uc/progact/amp/amwg.html.*

Meeting Accessibility/Special Accommodations: The meeting is open to the public. Individuals requiring special accommodations to access the public meeting should contact Ms. Lee Traynham (see **FOR FURTHER INFORMATION CONTACT**) at least (5) business days prior to the meeting so that appropriate arrangements can be made.

Public Disclosure of Comments: Time will be allowed for individuals or organizations to make extemporaneous and/or formal oral comments. To allow for full consideration of information by the AMWG members, written notice should be provided to Ms. Lee Traynham (see **FOR FURTHER INFORMATION CONTACT**) at least five (5) business days prior to the meeting. All written comments received will be provided to the AMWG members.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2.

Lee Traynham,

Chief, Adaptive Management Group, Resources Management Division, Upper Colorado Basin—Interior Region 7.

[FR Doc. 2020–23430 Filed 10–21–20; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1204]

Certain Chemical Mechanical Planarization Slurries and Components Thereof; Commission Determination Not To Review an Initial Determination Granting Complainant's Motion To Amend the Complaint and the Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 7) of the presiding administrative law judge (''ALJ'') granting complainants' motion to amend the complaint and the notice of investigation.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On July 7, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on a complaint filed by Cabot Microelectronics Corporation of Aurora, Illinois (''Cabot''). 85 FR 40685–86 (Jul. 7, 2020). The complaint alleges a violation of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain chemical mechanical planarization slurries and components thereof by reason of infringement of one or more of claims 1, 3–6, 10, 11, 13, 14, 18–20, 24, 26–29, 31, 35–37, and 39–44 of U.S. Patent No. 9,499,721 (''the '721 patent''). The complaint also alleges the existence of a domestic industry. The notice of investigation names as respondents DuPont de Nemours, Inc. of Wilmington, Delaware; Rohm and Haas Electronic Materials CMP Inc. of Newark, Delaware; Rohm and Haas Electronic Materials CMP Asia Inc. (d/b/a Rohm and Haas Electronic Materials CMP Asia Inc., Taiwan Branch (U.S.A.)) of Taoyuan City, Taiwan; Rohm and Haas Electronic Materials Asia-Pacific Co., Ltd. of Miaoli, Taiwan; Rohm and Haas Electronic Materials K.K. of Tokyo, Japan; and Rohm and Haas Electronic Materials LLC of Marlborough, Massachusetts. *Id.* at 40686. The Commission's Office of Unfair Import Investigations is also named as a party in this investigation. *Id.*

On September 3, 2020, pursuant to Commission Rule 210.14(b)(1), 19 CFR 210.14(b)(1), complainant Cabot filed a motion for leave to amend the complaint and the notice of investigation to assert infringement of claims 17 and 46 of the '721 patent. Mot. at 1. The motion states that ''[a]ll other parties stated that they will not oppose this Motion.'' *Id.* No response was filed.

On October 1, 2020, the ALJ issued the subject ID (Order No. 7) granting complainant's motion. The ID finds that, based on the review of the evidence, good cause exists to amend the complaint and the notice of investigation to add an allegation of infringement of claims 17 and 46 of the '721 patent. The ID further finds that this amendment would not prejudice the public interest or the rights of the parties to the investigation. No party petitioned for review of the ID.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on October 16, 2020.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: October 19, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–23415 Filed 10–21–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–660–661 and 731–TA–1543–1545 (Preliminary)]

Utility Scale Wind Towers From India, Malaysia, and Spain Revised Schedule for the Subject Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: October 16, 2020.

FOR FURTHER INFORMATION CONTACT: Calvin Chang ((202) 205–3062), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On September 30, 2020, the Commission established a schedule for the conduct of the preliminary phase of the subject investigations (85 FR 63137, October 6, 2020). Subsequently, the Department of Commerce (''Commerce'') extended the date for its initiation determinations in the investigations from October 20, 2020 to November 9, 2020 (85 FR 65028, October 14, 2020). The Commission, therefore, is revising its schedule to conform with Commerce's new schedule. The Commission must reach preliminary determinations by December 4, 2020, and the Commission's views must be transmitted to Commerce within five business days thereafter, or by December 11, 2020.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: October 16, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–23359 Filed 10–21–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1206]

Certain Percussive Massage Devices; Commission Determination Not to Review an Initial Determination Granting Motions To Intervene by Shenzhen Xinde Technology Co., Ltd. and Yongkang Aijiu Industrial & Trade Co., Ltd. in the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 11) of the presiding administrative law judge (''ALJ''), granting unopposed motions to intervene by third parties Shenzhen Xinde Technology Co., Ltd. (''Xinde'') and Yongkang Aijiu Industrial & Trade

Co., Ltd. (''Aijiu'') in the above-identified investigation.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on July 22, 2020, based on a complaint filed on behalf of Hyper Ice, Inc. (''Hyper Ice'') of Irvine, California. 85 FR 44322 (July 22, 2020). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain percussive massage devices by reason of infringement of certain claims of U.S. Patent No. 10,561,574; U.S. Design Patent No. D855,822; and U.S. Design Patent No. D886,317. The complaint further alleges that a domestic industry exists. The Commission's notice of investigation named nineteen respondents. The notice of investigation also named the Office of Unfair Import Investigations (''OUII'') as a party.

On September 17, 2020, third parties Xinde and Aijiu each moved to intervene as a respondent in the investigation because they have an interest in infringement issues as to the asserted patents. Xinde and Aijiu have certified that Complainant Hyper Ice and the Respondents that have appeared in the investigation do not oppose their motions. On September 24, 2020, OUII filed a response in support of the motions.

On September 25, 2020, the ALJ issued an ID granting the motions to intervene pursuant to Commission Rule 210.19, 19 CFR 210.19. *See* Order No. 11 at 4 (Sep. 25, 2020). The ID finds that the motions are timely; that Xinde and Aijiu have an interest in presenting evidence that their respective percussive massage devices do not infringe the asserted patents in view of Complainant Hyper Ice's request for a general exclusion order; and that the third parties' interests are not adequately represented by existing parties. *Id.* No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID. Xinde and Aijiu are hereby intervenors in the investigation.

The Commission vote for this determination took place on October 16, 2020.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: October 16, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–23354 Filed 10–21–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1224]

Certain Digital Video-Capable Devices and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 18, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of Koninklijke Philips N.V. of the Netherlands and Philips North America LLC of Cambridge, Massachusetts. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital video-capable devices and components thereof by reason of infringement of U.S. Patent No. 9,436,809 (''the '809 patent''); U.S. Patent No. 9,590,977 (''the '977 patent''); U.S. Patent No. 10,091,186 (''the '186 patent''); and U.S. Patent No. 10,298,564 (''the '564 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on October 16, 2020, *Ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–6, 9, 11, 12, 14, 15, 17, 22, 23, 26, 49, 50, and 52–54 of the '809 patent; claims 1–3, 8–12, and 14–20 of the '977 patent; claims 1–7, and 9–16 of the '186 patent; and claims 1–11, 14–23, 25, and 28 of the '564 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''(a) digital video-capable integrated circuits supplied by Intel, LG, MediaTek, and Realtek, printed circuit board assemblies

incorporating the same, and any associated hardware, software, and/or firmware enabling digital video capabilities; (b) digital video-capable displays containing such components; and (c) digital video-capable computers containing such components'';

(3) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1) and (f)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Koninklijke Philips N.V., High Tech Campus 5, 5656 AE Eindhoven, Netherlands

Philips North America LLC, 222 Jacobs Street, Cambridge, Massachusetts 02141

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Dell Technologies Inc., One Dell Way, Round Rock, Texas 78682–7000

Dell Inc., One Dell Way, Round Rock, Texas 78682–7000

Hisense Co. Ltd., Hisense Tower, No. 17 Donghaixi Road, South District, Qingdao, Shandong Province 266071, China

Hisense Visual Technology Co., Ltd. (f/k/a Qingdao Hisense Electric Co., Ltd.), No. 218 Qianwangang Road, Qingdao Economic & Technological Development Zone, Qingdao, Shandong Province 266555, China

Hisense Electronics Manufacturing, Company of America Corporation, 7310 McGinnis Ferry Road, Suwanee, GA 20024

Hisense USA Corporation, 7310 McGinnis Ferry Road, Suwanee, GA 20024

Hisense Import & Export Co. Ltd., Hisense Tower, No. 17 Donghaixi Road, South District, Qingdao, Shandong Province 266071, China

Hisense International Co., Ltd., Hisense Tower, Floor 22, No. 17 Donghaixi Road, South District, Qingdao, Shandong Province 266071, China

Hisense International (HK) Co., Ltd., Room 3101–3105, Singga Commercial Centre, No. 148 Connaught Road West, Sheung Wan, Hong Kong (SAR)

Hisense International (Hong Kong) America Investment Co., Ltd., Room 3101–3105, Singga Commercial Centre, No. 148 Connaught Road West, Sheung Wan, Hong Kong (SAR)

HP, Inc., 1501 Page Mill Rd., Palo Alto, CA 94304–1126

Lenovo Group Ltd., Lincoln House, 23rd Floor, Taikoo Place, 979 King's Road, Quarry Bay, Hong Kong (SAR)

Lenovo (United States), Inc., 8001 Development Drive, Morrisville, NC 27560

LG Electronics, Inc., LG Twin Towers, 128, Yeoui-daero, Yeongdeungpo-gu, Seoul, Republic of Korea, 07736

LG Electronics USA, Inc., 1000 Sylvan Avenue, Englewood Cliffs, NJ 07632

TCL Industries Holdings Co., Ltd., 9 Floor, TCL Electronics Holdings Limited Building, TCL International E City, #1001 Zhongshan Park Road, Nanshan District, Shenzhen, Guangdong, 518067, China

TCL Electronics Holdings Ltd. (f/k/a TCL Multimedia Technology Holdings Ltd.) 7/F, TCL Building, 22 Science Park E, Hong Kong Science Park, Hong Kong (SAR)

TCL King Electrical Appliances (Huizhou) Co. Ltd. No. 78 Zhongkai Development Zone, Huizhou, 516006, China

TTE Technology, Inc., 555 South Promenade Avenue, Suite 103, Corona, CA 92881

TCL Moka International Ltd., 7/F Hong Kong Science Park, Bldg. 22 E, 22 Science Park East Avenue, Sha Tin, Hong Kong

TCL Moka Manufacturing S.A. de C.V., Calle 4ta, No. 55, Cd. Industrial, 22444 Tijuana, B.C., Mexico

TCL Smart Device (Vietnam) Company Ltd, No. 26 VSIP II–A, Street 32, Vietnam Singapore Industrial Park II–A Tan Binh Commune, Bac Tan Uyen District, Binh Duong Province, 75000, Vietnam

MediaTek Inc., No. 1, Dusing 1st Road, Hsinchu Science Park, Hsinchu, 30078 Taiwan

MediaTek USA Inc., 2840 Junction Avenue, San Jose, CA 95134

Realtek Semiconductor Corp., No. 2, Innovation Road II, Hsinchu Science Park, Hsinchu 300, Taiwan

Intel Corporation, 2200 Mission College Boulevard, Santa Clara, CA 95054

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 16, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–23358 Filed 10–21–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–734]

Bulk Manufacturer of Controlled Substances Application: Noramco Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Noramco Inc. has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before December 21, 2020. Such persons may also file a written request

for a hearing on the application on or before December 21, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on October 6, 2020, Noramco Inc. 500 Swedes Landing Road, Wilmington, Delaware 19801–4417, applied to be registered as an bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Codeine-N-oxide	9053	I
Dihydromorphine	9145	I
Hydromorphinol	9301	I
Morphine-N-oxide	9307	I
Amphetamine	1100	II
Lisdexamfetamine	1205	II
Methylphenidate	1724	II
Nabilone	7379	II
Phenylacetone	8501	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Opium extracts	9610	II
Opium fluid extract	9620	II
Opium tincture	9630	II
Opium, powdered	9639	II
Opium, granulated	9640	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Tapentadol	9780	II

The company plans to manufacture the listed controlled substances as an Active Pharmaceutical Ingredient (API) for supply to its customers. In reference to drug codes 7360 (Marihuana) and 7370 (Tetrahydrocannabinols), the company plans to bulk manufacture these drugs as synthetics. No other activities for these drug codes are authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–23396 Filed 10–21–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–733]

Bulk Manufacturer of Controlled Substances Application: Kinetochem LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Kinetochem LLC has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before December 21, 2020. Such persons may also file a written request for a hearing on the application on or before December 21, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on October 5, 2020, Kinetochem LLC, 111 W Cooperative Way, Suite 310–B, Georgetown, Texas 78626, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

The company plans to synthetically manufacture drug codes 7360 (Marihuana) and 7370 (Tetrahydrocannabinols), in bulk for distribution and sale to its customers. No other activities for these drugs are authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–23395 Filed 10–21–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

RIN 1250–ZA01

Request for Information; Race and Sex Stereotyping and Scapegoating

AGENCY: Office of Federal Contract Compliance Programs

ACTION: Request for information

SUMMARY: The Office of Federal Contract Compliance Programs (OFCCP) at the Department of Labor seeks comments, information, and materials from the public relating to workplace trainings that involve race or sex stereotyping or

scapegoating. OFCCP protects workers by ensuring that those doing business with the Federal government (known as Federal contractors and subcontractors) do not treat workers differently on the basis of race, sex, or other protected characteristics. Information provided in response to this request will assist OFCCP in that mission. This request for information also provides hotline contact information (202–343–2008 and *OFCCPComplaintHotline@dol.gov*) that can be used to confidentially report to the Federal government the unlawful use of racist or sexist training materials.

DATES: Submit comments, information, and materials on or before December 1, 2020.

ADDRESSES: You may submit comments, information, and materials by any of the following methods:

Electronic comments: The Federal eRulemaking portal at *www.regulations.gov.* Follow the instructions found on that website.

Mail, Hand Delivery, Courier: Addressed to Tina Williams, Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW, Room C–3325, Washington, DC 20210.

Instructions: Please submit one copy of your submission by only one method. For faster submission, we encourage commenters to submit electronically via *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Tina Williams, Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, Room C–3325, 200 Constitution Avenue NW, Washington, DC 20210. Telephone: (202) 693–0103 (voice) or (202) 693–1337 (TTY) (these are not toll-free numbers). Copies of this notice may be obtained in alternative formats (large print, braille, audio recording) upon request by calling the numbers listed above.

SUPPLEMENTARY INFORMATION:

I. Background

Millions of Americans are employed by Federal contractors and subcontractors.[1] These employers have certain obligations to their employees under a presidential directive known as Executive Order 11246. That order requires Federal contractors not to discriminate in employment and to take affirmative action to ensure equal opportunity without regard to race, sex, and other protected characteristics. OFCCP ensures Federal contractors uphold their nondiscrimination and affirmative action obligations to their employees.

Relatedly, on September 22, 2020, President Donald J. Trump signed Executive Order 13950, titled Combating Race and Sex Stereotyping.[2] Executive Order 13950 established that it is ''the policy of the United States not to promote race or sex stereotyping or scapegoating in the Federal workforce or in the Uniformed Services,'' and further stated that ''Federal contractors will not be permitted to inculcate such views in their employees'' through workplace training.[3] The order notes that materials teaching that men and members of certain races are inherently sexist and racist have recently appeared in workplace diversity trainings across the country. Through this request for information, the Department invites the public to provide information or materials concerning any workplace trainings of Federal contractors that involve such stereotyping or scapegoating. Please note that training is not prohibited if it is designed to inform workers, or foster discussion, about pre-conceptions, opinions, or stereotypes that people—regardless of their race or sex—may have regarding people who are different, which could influence a worker's conduct or speech and be perceived by others as offensive.

As used in this request for information, ''*race or sex stereotyping*'' means ''ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex.'' [4] ''*Race or sex scapegoating*'' means ''assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex,'' and includes claims ''that, consciously or unconsciously, and by virtue of his or her race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others.'' [5]

Executive Order 13950 clarifies that workplace trainings that promote the following concepts qualify as unlawful race or sex stereotyping or scapegoating:

(a) One race or sex is inherently superior to another race or sex;

(b) An individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

(c) An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex;

(d) Members of one race or sex cannot and should not attempt to treat others without respect to race or sex;

(e) An individual's moral character is necessarily determined by his or her race or sex;

(f) An individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

(g) Any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or

(h) Meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race.

Examples of impermissible scapegoating or stereotyping include training materials stating ''that concepts like '[o]bjective, rational linear thinking, '[h]ard work' being 'the key to success,' the 'nuclear family,' and belief in a single god are not values that unite Americans of all races but are instead 'aspects and assumptions of whiteness.' '' [6]

To gain a better understanding regarding potentially unlawful training materials that are being used by Federal contractors and subcontractors, President Trump instructed the Director of OFCCP to request information from these contractors and subcontractors and their employees regarding the trainings that have been provided.[7] The President further directed that the ''request for information should request copies of any training, workshop, or similar programing having to do with diversity and inclusion as well as information about the duration, frequency, and expense of such activities.'' [8] This request for information is being published in response to the President's directives. A purpose of this request for information is to obtain information to formulate OFCCP programming and compliance assistance related to Executive Order 13950.

II. Types of Comments, Information, and Materials Requested

OFCCP requests comments, information, and materials from Federal

[1] For purposes of this request for information, ''contractor'' and ''subcontractor'' are used interchangeably.

[2] 85 FR 60683.

[3] *Id.* at 60685. Trainings that teach race or sex stereotyping or race or sex scapegoating may also violate Executive Order 11246, which forbids Federal contractors and subcontractors from discriminating on the basis of race or sex in employment.

[4] *Id.* at 60685.

[5] *Id.* at 60685.

[6] *Id.* at 60684.

[7] *Id.* at 60686.

[8] *Id.*

contractors, Federal subcontractors, and employees of Federal contractors and subcontractors concerning workplace trainings involving prohibited race or sex stereotyping or scapegoating.[9]

You may provide various other types of materials, such as PowerPoints, photographs, videos, handwritten notes, or printed handouts. OFCCP welcomes all forms of media and data that have in recent years been used, or that may soon be used, in both voluntary and mandatory trainings, workshops, or similar programming.

You do not need to provide a response for every category number. In submitting a response, you are encouraged (but not required) to note the specific sections of materials (such as page numbers or section headings) that you believe fit within a category number listed below.

You should provide responses reasonably related to this request for information. Materials may be submitted anonymously. However, any materials submitted in response to this request for information may be subject to public disclosure, including any personal information provided. You should not provide information or materials prohibited by law from disclosure under a valid confidentiality agreement, information or materials that are trade secrets, information or materials that are copyrighted, or information or materials that contain individual medical information or personally identifiable information.

OFCCP seeks information and materials concerning any or all of the following categories, if applicable:

1. Workplace trainings that promote, or could be reasonably interpreted to promote, race or sex stereotyping.
2. Workplace trainings that promote, or could be reasonably interpreted to promote, race or sex scapegoating.
3. The *duration* of any workplace training identified in categories 1 or 2.
4. The *frequency* of any workplace training identified in categories 1 or 2.
5. The *expense or costs associated with* any workplace training identified in categories 1 or 2.

OFCCP additionally requests input on any or all of the following questions, if applicable:

6. Have there been complaints concerning this workplace training? Have you or other employees been disciplined for complaining or otherwise questioning this workplace training?
7. Who develops your company's diversity training? Is it developed by individuals from your company, or an outside company?
8. Is diversity training mandatory at your company? If only certain trainings are mandatory, which ones are mandatory and which ones are optional?
9. Approximately what portion of your company's annual mandatory training relates to diversity?
10. Approximately what portion of your company's annual optional training relates to diversity?

III. How to Confidentially Report Information Through OFCCP's New Hotline

OFCCP has created an email and telephone hotline to report potentially non-compliant workplace training materials. Executive Order 13950 directed the Department of Labor, through OFCCP, ''to establish a hotline and investigate complaints received under both [Executive Order 13950] as well as Executive Order 11246 alleging that a Federal contractor is utilizing . . . training programs in violation of the contractor's obligations under those orders.'' [10] Executive Order 13950 further directed the Department of Labor to ''take appropriate enforcement action and provide remedial relief, as appropriate.'' [11]

Employees and other concerned members of the public are encouraged to report potentially unlawful training materials by calling (202) 343–2008 or emailing *OFCCPComplaintHotline@dol.gov.* To the fullest extent permissible by law, OFCCP will protect the confidentiality of those who submit information through the hotline.

Unlike hotline communications, responses to this request for information may become a matter of public record and may be subject to public disclosure as described above. Employees and other concerned members of the public who wish to confidentially report potentially non-compliant information or materials should do so through the hotline information provided above.

IV. Voluntary Compliance for Employers

Federal contractors and subcontractors questioning whether their workplace trainings, workshops, or similar programs are compliant with Executive Order 13950 or Executive Order 11246 are encouraged to voluntarily submit information and materials in response to this request for information. OFCCP will provide compliance assistance as requested to Federal contractors and subcontractors that voluntarily submit such information or materials.

OFCCP will, consistent with law, exercise its enforcement discretion and not take enforcement action against Federal contractors and subcontractors that voluntarily submit information or materials in response to this request for information, as it relates to submitted information or materials and potential non-compliance with Executive Orders 13950 or 11246, provided that such contractor or subcontractor promptly comes into compliance with the Executive Orders as directed by OFCCP. If a Federal contractor or subcontractor who voluntarily submits information or materials in response to this request for information is determined by OFCCP to have non-compliant materials, and the contractor or subcontractor refuses to correct the issue after compliance assistance is provided, OFCCP may take enforcement action against the contractor or subcontractor if OFCCP later receives the contractor or subcontractor's materials through a separate source, such as a neutrally scheduled audit, in connection with a complaint, or if submitted by an employee in response to this RFI. OFCCP will keep information and materials submitted under this process confidential under Exemption 4 of the Freedom of Information Act to the maximum extent permitted by law, unless disclosure is necessary and appropriate in Federal Government-initiated proceedings.

A Federal contractor or subcontractor may opt for the above-described enforcement discretion only if the relevant information or materials are submitted to OFCCP by one of the contractor's or subcontractor's executives, owners, or legal representatives with actual authority to legally bind the contractor or subcontractor in agreements with the United States Government. Should a qualifying executive, owner, or legal representative of the contractor or subcontractor submit information or materials on behalf of the contractor or subcontractor as requested in this request for information, the fact that a worker employed by the contractor or subcontractor may have also submitted the same (or substantially the same) information or materials to OFCCP, or submitted a complaint based on such information or materials, will not disqualify the contractor or subcontractor from choosing the types of compliance assistance and enforcement discretion described herein. But as noted above, OFCCP reserves the right to take enforcement

[9] Other stakeholders are invited to submit comments as well.

[10] *Id.* at 60686.

[11] *Id.*

action as to information or materials submitted by employees in response to this RFI if the contractor or subcontractor refuses to correct non-compliant materials after receiving compliance assistance.

Regarding all other Federal contractors and subcontractors, there are no adverse legal consequences for choosing not to participate in this request for information. This request for information is strictly voluntary; it simply offers Federal contractors and subcontractors an opportunity in the exercise of OFCCP's enforcement discretion to come into compliance with their legal obligations to the extent they have concerns.

V. Conclusion

Pursuant to Executive Order 13950, OFCCP invites Federal contractors, Federal subcontractors, and employees of Federal contractors and subcontractors to submit comments, information, and materials as described above. This request for information will enable OFCCP to better combat race and sex stereotyping and scapegoating within the contractor community.

Craig E. Leen,

Director, OFCCP.

[FR Doc. 2020–23339 Filed 10–21–20; 8:45 am]

BILLING CODE 4510–45–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2016–0005]

Preparations for the 39th Session of the UN Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCEGHS)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of public meetings.

SUMMARY: This notice is to advise interested persons that OSHA will conduct a virtual public meeting in advance of certain international meetings. The first meeting will be held in advance of the official 39th session of the United Nations Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCEGHS) to be held as a hybrid (in-person and virtual) meeting in early December 9–11, 2020, in Geneva, Switzerland. OSHA, along with the U.S. Interagency Globally Harmonized System of Classification and Labelling of Chemicals (GHS) Coordinating Group, plans to consider the comments and information gathered at this public meeting when developing the U.S. Government positions for the UNSCEGHS meeting.

DATES: The virtual public meeting will take place on November 19, 2020. Specific information for each meeting will be posted when available on the OSHA website at *https://www.osha.gov/dsg/hazcom/hazcom_international.html#meeting-notice.*

ADDRESSES: The meetings will be virtually hosted through the DOT Headquarters Conference Center, 1200 New Jersey Avenue SE, Washington, DC 20590.

Written Comments: Interested parties may submit comments between November 17 through December 3, 2020, on the Working and Informal Papers for the 39th sessions of the UNSCEGHS to the docket established for International/Globally Harmonized System (GHS) efforts at: *http://www.regulations.gov,* Docket No. OSHA–2016–0005.

Registration To Attend and/or To Participate in the Virtual Meeting: These meetings will be open to the public on a first-come, first served basis, as space is limited. Advanced meeting registration information will be posted on the PHMSA website. DOT is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Attendees may use the same form to pre-register for both meetings. Failure to pre-register may delay your access into the DOT Headquarters conference call line. Conference call-in and ''Skype meeting'' capability will be provided for both meetings. Information on how to access the conference call and ''Skype meeting'' will be posted when available at: *https://www.phmsa.dot.gov/international-program/international-program-overview* under Upcoming Events. This information will also be posted on OSHA's Hazard Communication website on the international tab at: *https://www.osha.gov/dsg/hazcom/hazcom_international.html#meeting-notice.*

FOR FURTHER INFORMATION CONTACT:

At the Department of Transportation: Please contact Mr. Steven Webb or Mr. Aaron Wiener, Office of Hazardous Materials Safety, Department of Transportation, Washington, DC 20590, telephone: (202) 366–8553.

At the Department of Labor: Please contact Ms. Maureen Ruskin, OSHA Directorate of Standards and Guidance, Department of Labor, Washington DC 20210, telephone: (202) 693–1950, email: *ruskin.maureen@dol.gov.*

SUPPLEMENTARY INFORMATION: OSHA will conduct a virtual public meeting in advance of the 39th session of the United Nations Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCEGHS) to be held as a hybrid meeting in early December 2020, in Geneva, Switzerland. This virtual public meeting will occur jointly with the Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA) (see FR Doc. 2020–09076 Filed 4–28–20) to discuss proposals in preparation for the 57th session of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCETDG) to be held as a hybrid meeting November 30–December 8, 2020. Advanced meeting registration information will be posted on the PHMSA website (see Docket No. PHMSA–2019–0224; Notice No. 2020–02).

For each of these meetings, OSHA and PHMSA will solicit public input on U.S. government positions regarding proposals submitted by member countries in advance of each meeting.

The OSHA Meeting

OSHA is hosting an open informal public meeting of the official 39th session of the UNSCEGHS which will represent the third and final meeting scheduled for the 2019–2020 biennium. Information on the work of the UNSCEGHS including meeting agendas, working and informal papers, reports, and documents from previous sessions can be found on the United Nations Economic Commission for Europe (UNECE) Transport Division website located at: *http://www.unece.org/trans/danger/publi/ghs/ghs_welcome_e.html.*

The PHMSA Meeting

Additional information regarding the UNSCETDG and related matters can be found on PHMSA's website at: *https://www.phmsa.dot.gov/international-program/international-program-overview.*

Authority and Signature

Loren Sweatt, Principal Deputy Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, authorized the preparation of this notice under the authority granted by sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C.

653, 655, 657), and Secretary's Order 1–2012 (77 FR 3912), (Jan. 25, 2012).

Signed at Washington, DC, on October 16, 2020.

Loren Sweatt,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2020–23366 Filed 10–21–20; 8:45 am]

BILLING CODE 4510–26–P

THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Notice of Proposed Information Collection Requests: Request for Advance or Reimbursement Web Form

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

ACTION: Notice, request for comments, collection of information.

SUMMARY: The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act. This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this notice is to solicit comments concerning the web form used by IMLS awardees to request advance or reimbursement payments. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before December 16, 2020.

ADDRESSES: Send comments to Connie Bodner, Ph.D., Director of Grants Policy and Management, Office of Grants Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Bodner can be reached by Telephone: 202–653–4636 or by email at *cbodner@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614. Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Connie Bodner, Ph.D., Director of Grants Policy and Management, Office of Grants Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington DC 20024–2135. Dr. Bodner can be reached by telephone at 202–653–4636, by email at *cbodner@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

SUPPLEMENTARY INFORMATION: IMLS is particularly interested in public comment that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques, or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

I. Background

The Institute of Museum and Library Services is the primary source of Federal support for the Nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. Our vision is a nation where museums and libraries work together to transform the lives of individuals and communities. To learn more, visit *www.imls.gov.*

II. Current Actions

The purpose of this collection is to administer the IMLS process by which IMLS awardees request advance or reimbursement payments. The proposed form will be embedded in the electronic grants management system that the agency uses to monitor and service all active awards during the period of performance and through closeout.

Agency: Institute of Museum and Library Services.

Title: Request for Advance or Reimbursement Web Form.

OMB Control Number: 3137–NEW.

Agency Number: 3137.

Respondents/Affected Public: IMLS financial assistance awardees.

Total Estimated Number of Annual Respondents: 5,000.

Frequency of Response: Once per request.

Average Minutes per Response: 60 minutes.

Total Estimated Number of Annual Burden Hours: 5,000.

Cost Burden (dollars): $145,500.00.

Public Comments Invited: Comments submitted in response to this notice will be summarized and/or included in the request for OMB's clearance of this information collection.

Dated: October 16, 2020.

Kim Miller,

Senior Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2020–23338 Filed 10–21–20; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Request for Information; Extension of Public Comment Period

AGENCY: National Science Foundation.

ACTION: Extension of public comment period.

SUMMARY: On September 4, 2020, the National Science Foundation, on behalf of the National Science and Technology Council's (NSTC) Committee on STEM Education (CoSTEM), and in coordination with the White House Office of Science and Technology Policy (OSTP), requested input related to the implementation of the Federal STEM Education Strategic *Plan, Charting a Course For Success: America's Strategy for STEM Education.* The original notice was open for a 45-day public comment period; NSF is now seeking an extension of the comment period.

DATES: Written comments must be submitted no later than November 20, 2020, 11:59 p.m. EST.

ADDRESSES: Comments submitted in response to this notice may be submitted online to: *CoSTEM@nsf.gov.* Email submissions should be machine-readable [PDF, Word] and not copy-protected. Submissions in the subject line of the email message should include ''Individual/Organization Name: STEM RFI Response'' (*e.g.,* Johnson High School: STEM RFI Response).

Instructions: Response to this RFI is voluntary. Each individual or

organization is requested to submit only one response. Submission must not exceed 6 pages in 12 point or larger font, with a page number provided on each page. Responses should include the name of the person(s) or organization(s) filing the comment. Comments containing references, studies, research, and other empirical data that are not widely published should include copies or electronic links of the referenced materials.

Please indicate on the first page of the response which question(s), identified by category and question number, you are responding to. It is not necessary or required to respond to all questions. Please only respond to the questions that are relevant to you and/or your stakeholders and provide a brief description of the perspective from which you are sharing (*e.g.,* I am a teacher, parent, or represent a non-profit STEM organization). If responding to more than one question, please identify the category and question number(s) (*e.g.,* ''Federal STEM Education Online Resource, questions 1–2'', ''Diversity, Equity, and Inclusion in STEM, question 4'', ''Strategic Partnerships, questions 9–11'', etc.) with specific response(s) directly below it.

No proprietary information, copyrighted information, or personally identifiable information should be submitted in response to this RFI.

In accordance with Federal Acquisition Regulation 15.201(e), ''RFIs may be used when the Government does not presently intend to award a contract, but wants to obtain price, delivery, other market information, or capabilities for planning purposes. Responses to these notices are not offers and cannot be accepted by the Government to form a binding contract.'' Additionally, those submitting responses are solely responsible for all expenses associated with response preparation.

FOR FURTHER INFORMATION CONTACT: For additional information, please direct your questions to *CoSTEM@nsf.gov.*

SUPPLEMENTARY INFORMATION: This request is in alignment with 42 U.S.C. 6621(b)(5) of the America COMPETES Reauthorization Act of 2010, Public Law 111–358, which calls for CoSTEM to develop, implement, and update every 5 years a STEM Education Strategic Plan. This information request also addresses current and future changes in education systems that have been impacted by the COVID–19 pandemic. Information gathered from this request may be used to guide future Federal STEM education resource development.

Categories in this Request for Information focus on the following elements of the Federal STEM Education Strategic Plan:

- Future opportunities in STEM education;
- Develop STEM education digital resources;
- Increase diversity, equity, and inclusion in STEM;
- Engage students where disciplines converge;
- Develop and enrich strategic partnerships;
- Build computational literacy; and
- Community use and implementation of the Federal STEM Education Strategic Plan.

In December 2018, The White House released the Federal STEM Education Strategic *Plan, Charting a Course for Success: America's Strategy for STEM Education* to provide a vision for a future where all Americans have access to high-quality STEM education. This strategy was intended to serve as a ''North Star'' for the broader STEM community to help achieve its goals, pathways, and objectives.

The GOALS of the Federal STEM Education Strategic Plan:

- Build Strong Foundations for STEM Literacy;
- Increase Diversity, Equity, and Inclusion in STEM; and
- Prepare the STEM Workforce for the Future.

The Federal STEM Education Strategic *Plan* is built on four PATHWAYS representing a cross-cutting set of approaches, each with a specific set of objectives for achieving these goals:

- Develop and Enrich Strategic Partnerships;
- Engage Students where Disciplines Converge;
- Build Computational Literacy; and
- Operate with Transparency and Accountability.

These four pathways have the potential to catalyze and empower students, educators, employers, and communities to benefit learners at all levels and to harmonize the realization of a shared vision for American leadership in STEM literacy, innovation, and employment.

Questions for Feedback

Provided below are categories from which the Government is seeking your input. Please respond to those questions within your (organization's) area of expertise or need. In your response, please identify the category(s) and question number(s) to which you are responding.

Future Opportunities in STEM Education

In response to the COVID–19 pandemic, education systems (including preK–12, postsecondary, adult, and informal) were required to make a sudden shift to remote or asynchronous teaching and learning, and this may continue in the near term. Please provide insights to the questions below based on current experiences. For each response below please indicate the education system (preK–12, postsecondary, adult, and informal) that covers your response and whether you are addressing school systems, schools, teachers/faculty/instructors, learners, other, or more than one category.

1. What COVID–19 related digital barriers (*e.g.,* access to broadband or computers, digital learning platforms, online educational resources) have you found most prominent, impactful, or difficult to overcome? Are these barriers resolved fully, or partially? If resolved, how was that achieved? If not resolved, what barriers remain to resolving the challenge?

2. What new or existing educational programs, opportunities, or concepts would enhance remote (both synchronous and asynchronous) education? Please indicate which education system you are addressing and if the interventions are targeted toward schools, teachers/faculty/instructors (*e.g.,* virtual field experiences for preservice teachers, flexibility in scheduling classes, virtual internships, micro credentialing), learners (*e.g.,* pre-recorded sessions focused on enabling consistent instruction with individualized delivery options), or other areas.

3. What positive experiences using remote learning technologies have you had in recent months and how can they be enhanced or institutionalized to present new opportunities in STEM education? How has [or could] the Federal Government helped support these innovative technologies?

4. What are the greatest challenges that have emerged related to inequities in STEM with the shift to online education and training? What solutions did you identify, and what gaps remain in your ability to deliver/receive equitable STEM education services? How did you measure your solution's success?

5. What areas of professional learning would be most beneficial to educators providing remote instruction (*e.g.,* utilizing formative assessment, small group collaboration, facilitating meaningful discourse or inquiry, creating rigorous alternative

assessments for those without access to technology/broadband)?

6. What data/information is the most important to collect about STEM education during the disruption of educational systems because of COVID–19? What data are you collecting currently related to the shift in education because of COVID–19?

7. What experience does your school system have with interoperable learning records or precision learning systems? If used, please share any barriers, solutions, or other information relevant to their effectiveness particularly related to digital barriers and the impact or effectiveness related to distance education. How were these concepts used or modified in response to COVID?

8. What actions did your STEM Learning Ecosystem take to support learning in response to COVID–19? Were these actions helpful? What barriers prevented you from taking additional actions that may have been useful?

Develop STEM Education Digital Resources

The Federal Government is seeking information on web-based STEM educational resources and opportunities for preK–12 teachers, post-secondary faculty, educational institutions, informal educators, parents, and students.

9. What type of web-based resources and opportunities would you hope to find on a STEM education website? Are there existing resource websites that could serve as a model for a Federal website? If so, please provide a link for reference. What aspects of this website should be utilized in a Federal website if such a site were developed?

10. Please describe your primary audience (*e.g.,* I primarily work with 7th grade science students in a formal classroom setting) and how the STEM education resources you identified above would help you serve your audience.

11. How would you like to see resources categorized (*e.g.,* subjects, topics, grade bands, Federal agency, other)? Do you have an example of another website that is categorized in this way? If so, please provide a link for reference.

Increase Diversity, Equity, and Inclusion in STEM

STEM education practices and policies at all levels should embody the values of inclusion and equity. All Americans deserve access to high-quality STEM education, regardless of geography, race, gender, ethnicity, socioeconomic status, veteran status, parental education attainment, disability status, learning challenges, and other social identities. For each response below, please indicate the education system or career experience for which you are responding.

12. What are the methods utilized by your organization to increase the recruitment, retention, inclusion, achievement, or advancement of individuals from groups that are underrepresented and underserved in STEM? For context, please briefly provide information on what groups your organization targets through these interventions? How are these interventions evaluated for success?

Engage Students Where Disciplines Converge

Real world STEM problems require students to ask and answer questions across traditional disciplinary boundaries. This type of transdisciplinary learning, or convergence, is encouraged to produce STEM-literate talent capable of integrating knowledge to produce innovative solutions. Toward this objective, the Federal STEM Education Strategic Plan aims to (1) enable STEM educators through upskilling, resourcing, and providing a forum to share best practices; (2) support the dissemination of transdisciplinary education best practices and programs, and (3) expand support for STEM learners to study transdisciplinary problems.

13. How do you or your organization use transdisciplinary learning, integrated STEM, convergence, or engineering design (*e.g.,* a community or global design/innovation challenge) in your experience? What topical areas in your curriculum do you teach to provide transdisciplinary learning opportunities? What approaches do you use to teach transdisciplinary learning? Why do you use this approach (*e.g.,* more engaging for students, school/administration promotes transdisciplinary learning) and how does it benefit your students' learning?

14. How has your ability to teach transdisciplinary concepts to your students changed in recent months because of the shift to remote teaching and learning? What teaching modalities have you employed to deliver transdisciplinary instruction virtually?

15. What training have you/your organization received in any of these approaches for teaching STEM education: Transdisciplinary, integrated, convergence, or engineering design, etc.? Please describe the training, if any (including university coursework or professional development), that helped you/your organization prepare to teach STEM using an integrated or transdisciplinary approach. Why was that specific training helpful, and if not, what could be done differently?

16. If you are an educator or school system and interested in using a more integrated or transdisciplinary approach to teaching STEM, what professional development would help you teach in this way? What specific delivery mechanism work well for you (*e.g.,* online course, webinar, in-person workshop)? What technology tools would be helpful for you when using a transdisciplinary approach?

17. If you are a student, what specific delivery mechanism works well for you (*e.g.,* online course, webinar, in-person workshop)? What technology tools would be helpful for you to enhance your learning and engagement to deliver transdisciplinary education to your students?

Develop and Enrich Strategic Partnerships

The Federal Government seeks perspectives to building STEM learning ecosystems through cross-sector strategic partnerships that promote work-based learning programs aimed at reskilling and upskilling. For the following questions, a STEM education partnership is a group of multi-sector partners united by a common vision of creating accessible, inclusive STEM learning opportunities that increase STEM literacy, expose learners to multiple STEM career pathways, and prepare Americans for jobs of the future.

18. What factors drive successful work-based learning programs? What elements encourage or discourage students, schools, or industries from participating? How can Federal agencies expand partnerships with the private and non-profit sectors and educational institutions to train the workforce needed for jobs of the future through work-based learning opportunities? If your organization provides work-based learning opportunities, how has the COVID–19 pandemic impacted your program? How has your organization made adjustments in response?

19. If you are currently engaged in a STEM learning ecosystem, what are the characteristics of success? What is the role of the private sector in a successful STEM learning ecosystem? What is your STEM ecosystem doing to support STEM education since the COVID–19 pandemic began?

Build Computational Literacy

The Federal Government seeks information on building computational

literacy in STEM education. In the Federal Strategy for STEM Education, computational literacy includes digital literacy, cybersafety, cyberethics, cybersecurity, data science, data security, intellectual property (IP), computational thinking, artificial intelligence, quantum information science, and digital platforms for teaching and learning. Considering this definition, please answer the questions below:

20. What are the benefits when integrating computational literacy within a STEM curriculum and/or with related standards, guidance, or resources? Please describe any challenges when integrating aspects of computational literacy into your instructional delivery.

21. What components, key concepts, or topics should be included to integrate computational literacy into STEM education at all levels? Please explain what they are and why they merit special attention.

22. What are existing programs, content, curriculum, or education and training opportunities that inform successful examples of building computational literacy in STEM education? Identify both Federal and non-federally sponsored research and programs.

23. What technologies and resources do you currently use (*e.g.,* apps, learning management systems, collaborative tools, STEM websites, websites linked to curriculum)? Are there others you would like to use, that you do not have access to both for in-person and remote teaching and learning?

Community Use and Implementation of the Federal Stem Education Strategic Plan

The Federal Government seeks information on community utilization of the Federal STEM Education Strategic Plan.

24. Please describe how your organization has used the Federal STEM Education Strategic Plan. How does your work align with the goals and pathways identified in the Strategy (provided above)? What changes have you made to your program or activity in response to the Federal Strategy?

Thank you for taking the time to respond to this Request for Information. We appreciate your input.

Dated: October 19, 2020.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2020–23443 Filed 10–21–20; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021–17 and CP2021–18; MC2021–18 and CP2021–19]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 26, 2020.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2021–17 and CP2021–18; *Filing Title:* USPS Request to Add Priority Mail Contract 675 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 16, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Curtis E. Kidd; *Comments Due:* October 26, 2020.

2. *Docket No(s).:* MC2021–18 and CP2021–19; *Filing Title:* USPS Request to Add Priority Mail Contract 676 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 16, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Curtis E. Kidd; *Comments Due:* October 26, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2020–23419 Filed 10–21–20; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 12:30 p.m. on Tuesday, October 20, 2020.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will be other matter relating to enforcement proceeding.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: October 20, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–23532 Filed 10–20–20; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90213; File No. SR–CBOE–2020–094]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Enhance Its Drill-Through Protections and Make Other Clarifying Changes

October 16, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 5, 2020, Cboe Exchange, Inc. (''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to enhance its drill-through protections and make other clarifying changes. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to enhance its drill-through protections for simple and complex orders and make other clarifying changes. Currently, pursuant to Rule 5.34(a)(4) and (b)(6), the System will execute a marketable buy (sell) order or complex order,[3] respectively, up to a buffer amount above (below) the limit of the Opening Collar or the national best offer (''NBO'') (national best bid (''NBB'')), as applicable, or the synthetic national best offer (''SNBO'') or synthetic national best bid (''SNBB''), respectively (the ''drill-through price''). The System enters any order (or unexecuted portion), simple[4] or complex, into the book or the complex order book (''COB''), respectively, at the drill-through price for a specified period of time (determined by the Exchange).[5] At the end of the time period, the System cancels any portion of the order not executed during that time period.

The Exchange proposes to permit orders to rest in the book or COB, as applicable, for multiple time periods and at more aggressive displayed prices during each time period.[6] Specifically, for a limit order (or unexecuted portion) with a Time-in-Force of Day, GTC, or GTD, or a complex order, the System enters the order in the Book or COB with a displayed[7] price equal to the drill-through price (as discussed below, if an order's limit price is less aggressive than the drill-through price, the order will rest in the Book or COB, as applicable, at its limit price and subject to the User's instructions, and the drill-through mechanism as proposed to be amended would no longer apply to the order).[8] The order (or unexecuted portion) will rest in the book or COB, as applicable, until the earliest to occur of the order's full execution and the end of the duration of the number of time periods.[9] Following the end of each period prior to the final period, the System adds (if a buy order) or subtracts (if a sell order) one buffer amount to the drill-through price displayed during the immediately preceding period (each new price becomes the ''drill-through

[3] The System may also initiate a complex order auction (''COA'') at the drill-through price for a complex order that would otherwise initiate a COA.

[4] Market orders or limit orders (or unexecuted portions) with times-in-force of immediate-or-cancel (''IOC'') or fill-or-kill (''FOK'') are cancelled rather than be entered into the book. Limit orders with times-in-force of day, good-til-cancelled (''GTC''), or good-til-day (''GTD) may enter the book.

[5] The current time period is two seconds, and the current default amounts are available in the technical specifications available at *https://cdn.cboe.com/resources/membership/US_Options_BOE_Specification.pdf*. Upon implementation of the proposed rule change, the Exchange will likely reduce the length of the time period and maintain the same buffer amounts.

[6] The Exchange will announce to Trading Permit Holders the buffer amount, the number of time periods, and the length of the time periods in accordance with Rule 1.5. The Exchange notes that each time period will be the same length (as designated by the Exchange), and the buffer amount applied for each time period will be the same.

[7] Currently, the drill-through price is the price of orders and complex orders in the book or COB, respectively. The proposed rule change clarifies that the drill-through price is displayed, which is consistent with current functionality.

[8] *See* proposed Rule 5.34(a)(4)(C) and (b)(6)(B).

[9] The Exchange will determine on a class-by-class basis the number of time periods, which may not exceed five, and the length of the time period, which may not exceed three seconds. *See* proposed Rule 5.34(a)(4)(C)(i) and (b)(6)(B)(i). While the current rule does not permit the Exchange to determine different time periods for different classes, the proposed rule change adds class flexibility so that the Exchange may determine different time periods for different classes, which may exhibit different trading characteristics and have different market models. This is consistent with flexibility the current Rules provide the Exchange with respect to other portions of the drill-through protection, such as the buffer amount for simple orders (the proposed rule change also adds this flexibility for determining the buffer amount for complex orders). *See* Rule 5.34(a)(4)(C) [sic] and (b)(6)(A) [sic].

price'').[10] The order (or unexecuted portion) rests in the book or COB, as applicable, at that new drill-through price for the duration of the subsequent period. Following the end of the final period, the System cancels or routes to PAR for manual handling, subject to a User's instructions, the simple or complex order (or unexecuted portion) not executed during any time period. The Exchange has received feedback from Users that the current application of the drill-through mechanism is too limited. The Exchange believes this proposed rule change will provide additional execution opportunities for these orders (or unexecuted portions) while providing protection against execution at prices that may be erroneous.

For example, suppose the Exchange's market for a series in a class with a 0.05 minimum increment is 0.90–1.00, represented by a quote for 10 contracts on each side (the quote offer is Quote A). The following sell orders or quote offers for the series also rest in the book:

- Order A: 10 contracts at 1.05;
- Quote B: 10 contracts at 1.10;
- Order B: 10 contracts at 1.15; and
- Order C: 20 contracts at 1.25.

The market for away exchanges is 0.80–1.45. The Exchange's buffer amount for the class is 0.10, the drill-through resting time period is one second, and the number of time periods is three.

The System receives an incoming order to buy 100 at 1.40, which executes against resting orders and quotes as follows: 10 against Quote A at 1.00 (which is the national best offer), 10 against Order A at 1.05, and 10 against Quote B at 1.10. The System will not automatically execute any of the remaining 70 contracts from the incoming buy order against Order B, because 1.15 is more than 0.10 away from the national best offer at the time of order entry of 1.00 and thus exceeds the drill-through price check. The 70 unexecuted contracts then rest in the book for one second at a price of 1.10 (the initial drill-through price). No incoming orders are entered during that one-second time period to trade against the remaining 70 contracts. The System then re-prices the buy order in the book at a new drill-through price of 1.20 (drill-through price plus one buffer of 0.10). Ten contracts immediately execute against Order B at a price of 1.15 (the buy order is still handled as the ''incoming order'' that executes against the resting Order B, and thus receives price improvement to 1.15). An incoming order to sell 20 contracts at 1.20 enters the book and executes against 20 of the resting contracts at that price. At the end of the second one-second time period, there are 40 remaining contracts. These contracts then rest in the book at a price of 1.30 for the final one second time period. Twenty contracts immediately execute against Order C at a price of 1.25. No incoming orders are entered during that time period to trade against the remaining 20 contracts. At the end of the final one-second time period, the System cancels the remaining 20 contracts (if the order is electronic only) or routes the remaining portion of the order to PAR for manual handling (if the order is default).[11]

Currently, Users may establish a higher or lower buffer amount than the default amount set by the Exchange with respect to complex orders subject to the drill-through protection.[12] Pursuant to the proposed rule change, if a User establishes its own buffer amount, the drill-through protection will work as it does today. In other words, if a User establishes its own buffer amount, a complex order will rest in the COB for one time period at the drill-through price and any unexecuted portion will be cancelled (or route to PAR as proposed) at the end of the time period. The proposed rule change clarifies that the length of the time period will continue to be determined by the Exchange, and will be the same as the length of the time period that applies to complex orders for which the User does not establish its own buffer amount. The Exchange believes this is consistent with a User's desire to set its own buffer to accommodate its own risk tolerance. All Users have the ability either to establish their own buffer amounts for complex orders, and thus have unexecuted orders rest for one time period, or let their complex orders be subject to the Exchange default buffer amount for complex orders, and thus have unexecuted orders rest at multiple price points for multiple time periods, as proposed.

Currently, any simple or complex order (or unexecuted portion) that does not execute after resting on the book or COB, respectively, at the drill-through price is cancelled.[13] The proposed rule change provides that a simple or complex order (or unexecuted portion) that does not execute after the time period(s) will be cancelled or routed to PAR for manual handling, subject to a User's instructions.[14] The Exchange believes this will be consistent with order instructions Users may apply and thus User's desired handling of their orders.[15]

The proposed rule change also makes certain clarifying and nonsubstantive changes, including movement of certain terms and provisions within Rule 5.34(a)(4) and (b)(6) due to the proposed rule changes described above. First, the proposed rule change combines the provisions in current subparagraphs (A) and (B) of Rule 5.34(a)(4) into proposed subparagraph (A). The drill-through protection in the following subparagraphs of Rule 5.34(a)(4) (currently and as proposed) apply to orders that enter the Book at the conclusion of the opening auction and intraday in the same manner. Current Rule 5.34(a)(4)(C) and (D) (proposed subparagraphs (B) and (C)) provide that the System handles orders not executed pursuant to current subparagraph (A) in accordance with those subparagraphs, inadvertently omitting that current subparagraphs (C) and (D) (and proposed subparagraphs (B) and (C)) also apply to orders described in current subparagraph (B). The proposed rule change clarifies that the drill-through protection applies to all orders that would enter the Book at prices worse than the drill-through price, including orders not executed during the opening auction and orders entered intraday. This is consistent with and a clarification of current functionality.

Second, the proposed rule change adds clarifying language regarding how the System handles orders for which the limit price is equal to or less than (if a buy order) or greater than (if a sell order) the drill-through price. Current Rule 5.34(b)(6) contemplates that complex orders with limit prices equal

[10] The System will apply a timestamp to the order (or unexecuted portion) based on the time it enters or is re-priced in the book or COB, as applicable, for priority purposes. *See* proposed Rule 5.34(a)(4)(C)(iii) and (b)(6)(B)(iii). This is consistent with the current drill-through functionality, pursuant to which the System applies a timestamp to the order (or unexecuted portion) based on the time it enters the book or COB, as applicable, modified to reflect the multiple price levels at which an order may rest. *See* current Rule 5.34(a)(4)(D) and (b)(6)(A).

[11] The proposed drill-through protection for complex orders works in an identical manner.

[12] *See* Rule 5.34(b)(6) (proposed subparagraph (b)(6)(A)).

[13] *See* current Rule 5.34(a)(4)(D) and (b)(6)(B). Note the current Rules use the language ''cancel or reject'' while the proposed rule change deletes ''reject,'' as both terms have the same result and merely relate to internal System code, making the use of both terms unnecessary.

[14] *See* proposed Rule 5.34(a)(4)(C)(ii) and (b)(6)(2).

[15] *See* Rule 5.6(c) (definitions of ''default,'' which provides that an order will be subject to electronic processing and routed to PAR for manual handling if not eligible for electronic processing, and ''electronic only,'' which provides that an order will be subject to electronic processing but will not route to PAR for manual handling if not eligible for electronic processing).

to or less aggressive than the drill-through price will not be subject to the mechanism pursuant to which orders will rest in the COB for a time period and then be cancelled. Specifically, Rule 5.34(b)(6)(A) states if a buy (sell) complex order would execute or enter the COB at a price *higher (lower) than the drill-through price,* the System enters the complex order into the COB with a price equal to the drill-through price and rests for the time period in accordance with the drill-through mechanism. Additionally, Rule 5.34(b)(6)(B) states that any complex order with a displayed price equal to the drill-through price *(unless the drill-through price equals the order's limit price)* will rest in the COB for the drill-through time period. Therefore, currently, if the limit price of a complex order is less aggressive than or equal to the drill-through price (*i.e.,* if a buy (sell) complex order (or unexecuted portion) would execute or enter the COB at a price lower (higher) than or equal to the drill-through price), the complex order will rest in the COB, as applicable, and the drill-through mechanism stops (*i.e.,* the time period will not occur and the System will not cancel the order). This is also true for simple orders but is not specified in the current Rules.

The proposed rule change clarifies that notwithstanding the provisions described above regarding an order or complex order resting in the book or COB, respectively, for brief time periods at drill-through prices, if a buy (sell) order's limit price equals or is less (greater) than the drill-through price at any time during application of the drill-through mechanism, the order rests in the book or COB, as applicable, subject to a User's instructions,[16] at its limit price and any remaining time period(s) described above do not occur.[17] If the drill-through price is equal to or more aggressive than the order's limit price, the additional protection of having the order rest in the COB for a short time period is not necessary given that the order will rest at the limit price entered by the User (and thus an acceptable execution price for that User). Additionally, displaying an order at a drill-through price (a price at which execution is possible) worse than the limit price of the order would be inconsistent with the terms of the order. This is consistent with current functionality (updated to reflect the proposed rule change to allow multiple time periods) and the definition of limit orders and merely clarifies this in the Rules.

Third, the proposed rule change corrects the market order reference in current Rule 5.34(a)(4)(D) (proposed Rule 5.34(a)(4)(C)) to limit order. That subparagraph relates to orders with times-in-force of day, GTC, or GTD that will rest in the book for a time period at the drill-through price. However, market orders by definition[18] do not rest in the book and would not have those times-in-force, which are contrary to the character of market orders. The System applies the functionality described in that subparagraph to limit orders with those times-in-force. The proposed rule change conforms the rule to current System functionality and to the definition of market and limit orders, as limit orders not fully executed upon entry will rest in the book while market orders not fully executed upon entry will be cancelled and not rest in the book.[19]

Fourth, the proposed rule change clarifies in proposed Rule 5.34(b)(6)(B)(ii) that if the synthetic best bid or offer (''SBBO'') changes prior to the end of any time period but the complex order cannot leg into the simple book, and the new SBB or SBO, as applicable, crosses the drill-through price, the System changes the displayed price of the complex order to the new SBB or SBO, as applicable, plus or minus the applicable minimum increment for the class. The current Rule states that $0.01 is added to or subtracted from the new SBBO. However, a class may have a minimum increment other than $0.01 pursuant to Rule 5.4(b). Currently, the System adds or subtracts the applicable minimum increment. The proposed rule change corrects an inadvertent error in the Rules to conform to current System functionality and Rules regarding minimum increments for complex orders. The proposed rule change will ensure that a complex order will rest in the COB only with a displayed price in the applicable minimum increment applicable for the class of that complex order. The proposed rule change also clarifies that the complex order will rest in the COB (the current rule text says the complex order is not cancelled), and adds detail that the complex order rests at that displayed price, subject to a User's instructions, and if it was not the final period, any remaining time period(s) do not occur.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[20] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[21] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[22] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed enhancement to the drill-through mechanism removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest. The proposed rule change will permit orders (or unexecuted portions) to rest in the book or COB, as applicable, at different displayed prices for a brief but overall longer period of time, which will provide market participants' orders with additional execution opportunities while continuing to protect them against execution at potentially erroneous prices. The proposed enhancement to the drill-through protection is similar to current drill-through functionality. The Exchange may determine the buffer amount for orders and the time period in which orders may rest in the book or COB. The proposed rule change permits an order to rest at multiples of the buffer amount, which would have the same effect as the Exchange setting a larger buffer amount. For example, if the Exchange set a buffer amount of $0.75, that would allow orders to execute at

[16] For example, the order will remain in force subject to any time-in-force instruction applied to the order by the User upon entry.

[17] *See* proposed Rule 5.34(a)(4)(C)(iv) and (b)(6)(B)(iv).

[18] *See* Rule 5.6(b).

[19] The proposed rule change also reorders the terms limit and market orders in current Rule 5.34(a)(4)(C) (proposed subparagraph (a)(4)(B)). This is a nonsubstantive change, as the times-in-force of immediate-or-cancel or fill-or-kill described in that subparagraph are applicable to limit orders rather than market orders, which by definition are immediate-or-cancel.

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(5).

[22] *Id.*

any price no further than $0.75 away from the NBBO or SNBBO at the time of order entry (including at prices $0.25 and $0.50 away from the NBBO or SNBBO at the time of order entry). This allows for the same potential execution prices that would be possible if the Exchange set a buffer of $0.25 and three time periods under the proposed rule change. While the overall time period for which an order may rest in the book or COB may be longer than the currently permissible time period, the longer time period will still be relatively brief (maximum of 15 seconds). The Exchange notes it may maintain the same buffer amounts that are in place today. However, rather than increase the buffer amount at one time, the proposed rule change adds the overall larger buffer amount incrementally over a potentially overall longer time period. While this may permit executions at prices farther away from the NBBO or SNBBO at the time of order entry, it will still never permit executions at prices through orders' limit prices. This will provide execution opportunities for orders at incremental amounts away from the NBBO or SNBBO, as applicable, over a slightly longer time period and thus against a potentially larger number of orders. Users also have the ability to cancel orders prior to the completion of the time periods if they do not want the orders resting for a longer period of time (and Users can set their own buffer for complex orders, which would cause those complex orders to rest for a single time period rather than multiple as proposed).

Additionally, the proposed rule change to permit orders to route orders to PAR for manual handling rather than cancel if consistent with the order instructions will remove impediments to and perfect the mechanism of a free and open market and national market system, as well as protect investors, because it will allow the System to handle orders in a manner that is consistent with the intent of a User's order instruction to route orders to PAR for manual handling that are not eligible for electronic processing. Manual handling rather than cancellation of orders in these circumstances may provide these orders with additional execution opportunities. Manual handling permits opportunities for brokers to evaluate the prices of orders based on then-existing market conditions, which creates minimal risk of executions at erroneous prices. Users that prefer to have their orders continue to be cancelled following the drill-through mechanism may include the appropriate instructions on their orders. The Exchange notes another risk control provides for the routing of orders to PAR for manual handling after the application of that control.[23]

The Exchange believes the proposed clarifying and nonsubstantive changes to the drill-through protection rules protect investors by adding transparency to the rules regarding the drill-through functionality. These changes are consistent with current functionality and thus do not impact the applicability of the drill-through mechanism to orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the enhanced drill-through protection will apply to all marketable orders in the same manner. Users may cancel orders resting on the Book during the drill-through time periods or set their own buffer with respect to complex orders if they do not want their orders resting for a longer period of time as proposed. With respect to the proposed rule change pursuant to which orders may route to PAR for manual handling following being subject to the drill-through mechanism, Users can decide whether their orders may be eligible to route to PAR subject to the proposed rule change. If Users prefer their orders be cancelled following the drill-through mechanism (as occurs today), they can include an instruction on their orders that the order be handled electronically only.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it relates solely to how and when marketable orders will rest on the Exchange's book or COB. The proposed enhancement to the drill-through protection is consistent with the current protection and provides orders subject to the protection with additional execution opportunities while providing continued protection against execution against potentially erroneous prices.

The Exchange believes the proposed rule change would ultimately provide all market participants with additional execution opportunities when appropriate while providing protection from erroneous execution. The Exchange believes the proposal will enhance risk protections, the individual firm benefits of which flow downstream to counterparties both at the Exchange and at other options exchanges, which increases systemic protections as well. The Exchange believes enhancing risk protections will allow Users to enter orders and quotes with further reduced fear of inadvertent exposure to excessive risk, which will benefit investors through increased liquidity for the execution of their orders. Without adequate risk management tools, such as the one proposed to be enhanced in this filing, Trading Permit Holders could reduce the amount of order flow and liquidity they provide. Such actions may undermine the quality of the markets available to customers and other market participants. Accordingly, the proposed rule change is designed to encourage Trading Permit Holders to submit additional order flow and liquidity to the Exchange. The proposed flexibility may similarly provide additional execution opportunities, which further benefits liquidity in potentially volatile markets. In addition, providing Trading Permit Holders with more tools for managing risk will facilitate transactions in securities because, as noted above, Trading Permit Holders will have more confidence protections are in place that reduce the risks from potential system errors and market events.

The proposed clarifying and nonsubstantive changes are consistent with current functionality and are intended to add clarity to the Rules, and thus the Exchange expects those changes to have no competitive impact.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[24] and

[23] *See* Rule 5.34(a)(1).

[24] 15 U.S.C. 78s(b)(3)(A)(iii).

subparagraph (f)(6) of Rule 19b–4 thereunder.[25]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2020–094 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2020–094. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2020–094 and should be submitted on or before November 12, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–23360 Filed 10–21–20; 8:45 am]

BILLING CODE 8011–01–P

[25] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90212; File No. SR–CBOE–2020–099]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 5.34 in Connection With Its Debit/Credit Price Reasonability Check

October 16, 2020,

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 13, 2020, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend Rule 5.34 in connection with its debit/credit price reasonability check. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposed to amend Rule 5.34(b)(3), which provides for its debit/credit price reasonability check. Specifically, the proposed rule change amends Rule 5.34(b)(3)(A) in connection with two-legged strategies that have one A.M.-settled leg and one P.M.-settled leg with the same expiration date.[5] The proposed rule change also codifies the definition of diagonal spreads in Rule 5.34(b)(1)(E), which is already a strategy described in Rule 5.34(b)(3) and handled by the System in connection with the debit/credit reasonability check, the codified definition of which was inadvertently omitted in the rule filing that allowed the System to apply the debit/credit reasonability check to diagonal spreads.[6]

Pursuant to the debit/credit price reasonability check, the Exchange

[5] The proposed rule change also updates the definition of vertical spread in Rule 5.34(b)(1)(A) and the definition of calendar spread in Rule 5.34(b)(1)(D) in light of the proposed change to Rule 5.34(b)(3)(A).

[6] *See* Securities Exchange Release No. 88923 (May 21, 2020), 85 FR 32086 (May 28, 2020) (SR–CBOE–2020–046).

cancels or rejects a complex order (or unexecuted portion) that is a limit order for a debit strategy with a net credit price that exceeds a pre-set buffer, a limit order (or unexecuted portion) for a credit strategy with a net debit price that exceeds a pre-set buffer, or a market order (or unexecuted portion) for a credit strategy that would execute at a net debit price that exceeds a pre-set buffer (the pre-set buffers are determined by the Exchange on a class and strategy (*i.e.,* vertical, calendar, butterfly, orders with different expiration dates and exercise prices) basis). The System defines a complex order as a debit (credit) if all pairs and loners are debits (credits).[7] For purposes of the credit/debit price reasonability check, a ''pair'' is a pair of legs in an order for which both legs are calls or both legs are puts, one leg is a buy and one leg is a sell, and the legs have the same expiration date but different exercise prices (*i.e.,* vertical),[8] the same exercise price but different expiration dates (*i.e.,* calendar),[9] or the exercise price for the call (put) with the farther expiration date is lower (higher) than the exercise price for the nearer expiration date (which is a diagonal pair). A ''loner'' is any leg in an order that the System cannot pair with another leg in the order.

The System determines whether an order is a debit or credit based on general options volatility and pricing principles, which the Exchange understands are used by market participants in their option pricing models. With respect to options with the same underlying:

- If two calls (puts) have the same expiration date, the price of the call (put) with the lower (higher) exercise price is more than the price of the call (put) with the higher (lower) exercise price; and
- if two calls (puts) have the same exercise price, the price of the call (put) with the nearer expiration is less than the price of the call (put) with the farther expiration.

In other words, a call (put) with a lower (higher) exercise price is generally more expensive than a call (put) with a higher (lower) exercise price, because the ability to buy stock at a lower price is more valuable than the ability to buy stock at a higher price, and the ability to sell stock at a higher price is more valuable than the ability to sell stock at a lower price. A call (put) with a farther expiration is generally more expensive than the price of a call (put) with a nearer expiration, because locking in a price further into the future involves more risk for the buyer and seller and thus is more valuable, making an option (call or put) with a farther expiration more expensive than an option with a nearer expiration. Based on the principles described above and pursuant to Rule 5.34(b)(3)(B)(iii), the System pairs calls (puts) under the current debit/credit reasonability check, as follows:

(1) The System first pairs legs to the extent possible within each expiration date, pairing one leg with the leg that has the next highest exercise price.

(2) The System then pairs legs to the extent possible across expiration dates, pairing one call (put) with the call (put) that has the next nearest expiration date and the same or next lower (higher) exercise price.

(3) A pair of calls is a credit (debit) if the exercise price of the buy (sell) leg is higher than the exercise price of the sell (buy) leg (if the pair has the same expiration date) or if the expiration date of the sell (buy) leg is farther than the expiration date of the buy (sell) leg (if the exercise price of the sell (buy) leg is the same as or lower than the exercise price of the buy (sell) leg).

(4) A pair of puts is a credit (debit) if the exercise price of the sell (buy) leg is higher than the exercise price of the buy (sell) leg (if the pair has the same expiration date) or if the expiration date of the sell (buy) leg is farther than the expiration date of the buy (sell) leg (if the exercise price of the sell (buy) leg is the same as or higher than the exercise price of the buy (sell) leg).

(5) A loner to buy is a debit, and a loner to sell is a credit.

Additionally, the System does not apply the debit/credit price reasonability check to an order for which the System cannot define whether it is a debit or credit.

As indicated above, the debit/credit reasonability check allows the Exchange to determine a pre-set buffer on a class-by-class and strategy basis (*i.e.,* vertical, calendar, butterfly, orders with different expiration dates and exercise prices). This flexibility allows the Exchange to appropriately respond to the different trading characteristics and market conditions that have unique impact across different classes and different strategies. For example, the Exchange understands that in certain market conditions, particularly in volatile conditions, the general pricing principles described above may not apply to certain classes or strategies. It is possible that the leg with the farther expiration may be trading at a discount and thus is worth less than the leg with the nearer term expiration, and thus entering a diagonal or calendar strategy as a debit may be consistent with the then-current market. Specifically, certain classes may exhibit backwardation,[10] which occurs when series with the farther expirations are worth less than series with the nearer term expirations. In such conditions, the Exchange may deem it appropriate to increase the buffer to permit these orders to be accepted for electronic processing. While an order with a diagonal or calendar strategy entered as a debit in normal market conditions may appear erroneous and be appropriately rejected, in volatile market conditions, such an order entered as a debit may be accurately reflecting the market. As such, the flexibility to establish pre-set buffers on a class and strategy basis currently permits the Exchange to provide a calendar or diagonal strategy order entered as a debit with electronic execution opportunities, as applicable, by modifying the buffer of these strategies with legitimate debit prices that are consistent with then-current market conditions. In this way, the System may accept such orders while maintaining the check's protection for classes and strategies whose pricing is not impacted by these market conditions and are not experiencing backwardation.

As stated above, for purposes of the debit/credit reasonability check, the System defines a vertical spread order as a two-legged complex order with one leg to buy a number of calls (puts) and one leg to sell the same number of calls (puts) with the same expiration date but different exercise prices,[11] and a calendar spread order as a two-legged complex order with one leg to buy a number of calls (puts) and one leg to sell the same number of calls (puts) with the same exercise price but different expiration dates.[12] The Exchange notes

[7] *See* Rule 5.34(b)(3)(B)(i) and (ii). The System also determines certain call and put butterfly spreads as debits and credits.

[8] *See also* Rule 5.34(b)(1)(A), which defines a ''vertical spread'' as a two-legged complex order with one leg to buy a number of calls (puts) and one leg to sell the same number of calls (puts) with the same expiration date but different exercise prices.

[9] *See also* Rule 5.34(b)(1)(D), which defines a ''calendar spread'' as a two-legged complex order with one leg to buy a number of calls (puts) and one leg to sell the same number of calls (puts) with the same exercise price but different expiration dates.

[10] Specifically, European-settled options (which is a group of classes) may experience backwardation. For example, SPX is a European style option that may be impacted by backwardation in unusual or volatile market conditions. Accordingly, the Exchange regularly sets widened buffers for SPX diagonal pairs.

[11] *See* Rule 5.34(b)(1)(A).

[12] *See* Rule 5.34(b)(1)(D).

that while the expiration date of the legs of a vertical or calendar spread with an A.M.-settled leg and a P.M.-settled leg may be the same, the last trading date of the two legs differs. For example, an S&P 500 Index (''SPX'') option/SPX Weekly (''SPXW'') vertical spread would contain the same expiration date, yet SPX options are A.M.-settled, thus they stop trading on the Thursday prior to Friday expiration, and SPXW options are P.M.-settled, thus they stop trading at the close on Friday expiration. As a result, the time to expiration of trading for each leg is different, which the Exchange understands is what market participants consider when pricing options with an A.M.-settled/P.M.-settled vertical strategy, similar to the pricing of a diagonal spread, or when pricing options with an A.M.-settled/P.M.-settled calendar strategy—in other words, market participants consider these legs to have different expiration dates. When applying the debit/credit reasonability check, however, the System currently considers a strategy with one P.M.-settled leg and one A.M.-settled leg with the same expiration date and different exercise prices to be a vertical strategy, rather than a diagonal strategy., [sic] and it rejects a strategy with one P.M.-settled leg and one A.M.-settled leg with the same expiration date and same exercise prices because it does not recognize this strategy as a calendar strategy. More specifically, the System and the Rules do not currently consider the difference in time between the actual close of trading for the A.M.-settled leg and the actual close of trading the following day for the P.M.-settled leg—it considers only that the legs have the same expiration date. As a result, the System does not determine the credit (debit) net price for vertical or calendar spread orders with a pair(s) of A.M.-settled/P.M.-settled legs using the same pricing principles for the debit/credit reasonability check that the Exchange understands market participants use for these strategies, as market participants consider these spreads to have different expiration dates, and thus to be diagonals (rather than verticals) or calendars for pricing purposes. That is, if a sell (buy) leg is P.M.-settled (*i.e.,* is ''farther out'' in time until trading actually ceases) and is a call (put) with an exercise price that is the same as or lower (higher) than the exercise price of the buy (sell) A.M.-settled leg (thus making the P.M.-settled leg more expensive), the System would not treat this as a diagonal spread, nor recognize it as a calendar spread, pursuant to Rule 5.34(b)(3)(B)(iii)(c) and (d), even though market participants would price these spreads as a diagonal (if the legs have different exercise prices) or calendar (if the legs have the same exercise price) from a pricing perspective.

Specifically, a vertical spread with A.M.-settled/P.M.-settled legs essentially emulates the manner in which a diagonal strategy executes, given that each leg in a diagonal strategy ceases trading at different times (because they have different expiration dates) and diagonal spread legs, like vertical spread legs, also have different exercise prices. Likewise, a spread with A.M.-settled/P.M.-settled legs with the same exercise price essentially emulates the manner in which a calendar spread executes, given that each leg in a calendar strategy ceases trading at different times (because they have different expiration dates). Under the proposal, the debit/credit reasonability check logic and Exchange-determined buffers, where applicable, would apply in the same manner as they do today for calendar and diagonal spreads, as applicable, to spreads with a pair(s) of A.M.-settled/P.M.-settled legs. Therefore, the proposed rule change amends Rule 5.34(b)(3)(A) to provide that, for the purposes of the debit/credit price reasonability check, the System considers a two-legged strategy with one P.M.-settled leg and one A.M.-settled leg with the same expiration date to be a diagonal spread (where both legs have different expiration dates and different exercise prices), rather than a vertical spread, or a calendar spread (where both legs have the same exercise price).[13] As a result, the System will apply to such vertical strategies, which are generally priced using the same principles as diagonal spreads and may be adjusted to reflect backwardation (as described above), the same debit/credit check logic and pre-set buffers that it currently applies to diagonal spreads. In addition, the System will apply to such strategies, which are generally priced using the same principles as calendar spreads, the same debit/credit check logic and pre-set buffers that it currently applies to calendar spreads and not reject such strategies because the legs have the same expiration dates and exercise prices. The Exchange believes the enhancing the debit/credit price reasonability check to consider a spread that contains a pair of A.M.-settled/P.M. settled legs with the same expiration date as a diagonal or calendar, as appropriate, will cause the System to apply more accurate pricing principles to them when determining whether to accept or reject strategies with A.M.-settled/P.M.-settled legs.

Regarding vertical spreads with A.M.-settled/P.M.-settled legs with the same expiration date and different exercise prices, currently, if the System receives such a vertical spread order, and the exercise price for the sell leg is lower than the exercise price of the buy leg with a debit price, the System will determine this to be a credit and reject it (assuming it is outside of the buffer). However, if the class is experiencing backwardation, the debit price may be appropriate. As discussed above, the Exchange may widen the buffer for such a class in such circumstances for calendars and diagonals to account for the backwardation. Therefore, if the System receives a spread with A.M.-settled/P.M.-settled legs in a class experiencing backwardation during unusual or volatile market conditions, the System would apply a different buffer to that spread than it would apply to a diagonal spread. While the A.M.-settled/P.M.-settled vertical spread would likely have been priced using the same pricing principles as the diagonal spread, the System would reject the vertical spread order, despite it likely having a legitimate price, while accepting the diagonal order with a similarly legitimate price. Pursuant to the proposed rule change the strategy described above would be handled as a diagonal and will have the opportunity to be accepted and executed. Similarly, the System will recognize a spread with A.M.-settled/P.M.-settled legs with the same expiration date and the same exercise price as a calendar spread and not reject such spread order.

The Exchange notes that it announces any changes to the parameters of the debit/credit reasonability check to market participants by Exchange notice pursuant to Rule 1.5. The Exchange notes too that it will continue to regularly monitor the application of the debit/credit price reasonability check, including the number of orders rejected as a result of the check, as well as continue to monitor orders that may be executed at erroneous prices pursuant to Rule 6.5. The Exchange currently considers all of these factors, as well as market conditions, investor demand, and other relevant factors when determining whether to modify the debit/credit reasonability check buffer or other risk control parameters in order to attempt to create an appropriate balance between protection against executions at potentially erroneous prices and provision of execution opportunities for legitimately priced orders.

[13] *See supra* note 5.

In addition to this, the proposed rule change codifies the definition of diagonal spreads in the current spread definitions in Rule 5.34(b)(1). Specifically, proposed Rule 5.34(b)(1)(E) provides that a ''diagonal'' spread is a two-legged complex order with one leg to buy a number of calls (puts) and one leg to sell the same number of calls (puts) with different expiration dates and different exercise prices. As noted above, diagonal spreads are currently described within Rule 5.34(b) and the System currently applies the debit/credit reasonability check and Exchange-determined buffers to diagonal spreads pursuant to Rule 5.34(b)(3)(A).[14] The Exchange merely inadvertently omitted codifying the definition of diagonal spreads in a previous rule filing that updated Rule 5.34 to allow the System to apply the debit/credit reasonability check to diagonals.[15]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[16] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[17] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[18] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will remove impediments to and perfects the mechanism of a free and open market and national market system by applying the current debit/credit price reasonability check logic for diagonal spreads (which have different expiration dates and thus cease trading on different dates, as well as different exercise prices) to spread orders with A.M.-settled/P.M.-settled legs that have different exercise prices but the same expiration date (and are thus currently defined as verticals) but similarly cease trading on different dates. Additionally, it will allow the System to recognize spreads with A.M.-settled/P.M.-settled legs that have the same exercise price and the same expiration date, but likewise cease trading on different dates, to be calendar spreads (which have different expiration dates and the same exercise price). By considering these particular orders to be diagonals rather than verticals, or to be calendars, the Exchange will apply the same buffers to vertical strategies that have legs that stop trading at different times (*i.e.,* one leg is A.M-settled and one leg is P.M.-settled) as it applies to diagonal strategies (which also have legs that stop trading at different times), and will apply the same buffers to strategies that have legs that stop trading at different times (*i.e.,* one leg is A.M-settled and one leg is P.M.-settled) and the same exercise price as it applies to calendar strategies. This handling of vertical spreads is appropriate in classes in which market conditions may cause the P.M.-settled leg (with the farther time until trading expiration) to trade at a discount and be worth less than the A.M.-settled leg (with the nearer time until trading expiration). By considering a vertical strategy with A.M.-settled/P.M.-settled legs with the same expiration date as diagonal rather than a vertical, for purposes of the debit/credit price reasonability check, the proposed rule change will provide the same execution opportunities for legitimately priced vertical strategies with A.M.-settled/P.M.-settled legs in certain classes as it may for diagonal strategies in certain classes given then-current market conditions. Additionally, this handling of strategies with A.M.-settled/P.M.-settled legs with the same expiration date and different exercise prices as calendar spreads will provide those orders with opportunities to be accepted and executed, rather than be rejected because the debit/credit price reasonability checks views the orders as having legs with the same expiration dates and exercise prices and thus does not recognize it as a calendar spread.

As a result, the proposed rule change ultimately protects investors by continuing to prevent execution of spreads with A.M.-settled/P.M.-settled legs that cease trading on different days at potentially erroneous prices, while also providing additional execution opportunities for those spreads that may be legitimately priced given then-current market conditions but may currently be rejected when these orders are treated as vertical spreads for the purposes of the debit/credit reasonability check, or are not recognized as calendar spreads. This proposed application of the debit/credit price reasonability check promotes just and equitable principles of trade, as it is based on the same general option and volatility pricing principles the System currently uses to pair calls and puts for other complex orders that also stop trading on different days, and will result in the handling of strategies with legs that stop trading on different days in the same manner during unusual or volatile market conditions.

In addition to this, the Exchange notes that the proposed rule change would not raise any novel or unique issues for investors as the debit/credit reasonability check logic and Exchange-determined buffers, where applicable, would apply to strategies with A.M.-settled/P.M.-settled legs in the same manner as they do today for calendar and diagonal spreads, which also have legs that stop trading on different dates. The Exchange will continue to announce any changes to the parameters of the debit/credit reasonability check to market participants by Exchange notice, to regularly monitor the application of the debit/credit price reasonability check and for orders that may be executed at erroneous prices, to consider market conditions, investor demand, and other relevant factors when determining whether to modify the debit/credit reasonability check buffer or other risk control parameter amount in order to appropriately balance providing protection against executions at potentially erroneous prices and providing execution opportunities for legitimately priced orders.

In addition to this, the proposed rule change to codify the definition of diagonal spreads in Rule 5.34(b) would generally protect investors by adding clarity to the Rules regarding a strategy that is already described within the Rules and to which the System currently applies the debit/credit reasonability check and Exchange-determined price buffers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not

[14] In light of the proposed codified definition, the Exchange updates the current description of a diagonal in Rule 5.34(b)(3)(A) to, instead, refer to ''diagonal'', as well as adds this reference to the description of a diagonal in Rule 5.34(b)(3)(B)(iii).

[15] *See supra* note 6.

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *Id.*

necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will not impose any burden on intramarket competition, because the debit/credit price reasonability check will continue to apply to all incoming complex orders of all TPHs in the same manner. The proposed rule change would allow the System to apply the logic and pre-set buffers to vertical spreads with A.M.-settled/P.M.-settled legs (and thus stop trading on different dates) that it already applies to other spreads that contain legs that stop trading on different dates and have different exercise prices (*i.e.,* diagonals), as well as to apply the logic and pre-set buffers to spreads with A.M.-settled/P.M.-settled legs (and thus stop trading on different dates) that it already applies to other spreads that contain legs that stop trading on different dates and have the same exercise prices (*i.e.,* calendars). This, in turn, will allow the System to apply the appropriate Exchange-determined buffer to such vertical orders, which the Exchange understands market participants price more similarly to a diagonal spread as opposed to a vertical spread, or to such calendar orders, given the difference in the actual trading days on which each leg stops trading, thus allowing for legitimately priced strategies with A.M.-settled/P.M.-settled legs to execute as intended.

The proposed rule change does not impose any burden on intermarket competition, as it is an enhancement to a price protection mechanism the System applies to complex orders submitted to the Exchange to determine whether they should be accepted for potential execution on the Exchange. The Exchange believes the proposed rule change would provide all market participants with additional execution opportunities when appropriate while still providing protection from anomalous or erroneous executions. To the extent that market participants find the proposed application of the debit/credit reasonability check to their vertical and calendar spreads with A.M.-settled/P.M.-settled legs more favorable for execution of their legitimately priced orders, other exchanges may adopt functionality to similarly handle such complex strategies.

Additionally, the proposed rule change to codify the definition of diagonal spreads to the Rules is a nonsubstantive, noncompetitive change that merely provides additional clarity within the Rules regarding a term/strategy that is already described in the Rules and that the System already accounts for pursuant to the Rules.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [19] and Rule 19b–4(f)(6) thereunder.[20] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [21] and Rule 19b–4(f)(6)(iii) thereunder.[22]

A proposed rule change filed under Rule 19b–4(f)(6) [23] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[24] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that market participants have voiced concerns regarding the System rejecting their legitimately priced A.M.-settled/P.M.-settled calendar spreads and vertical spreads, especially closer in time to A.M./P.M. expiration dates. The Exchange believes that waiver of the operative delay will protect investors by allowing the Exchange to apply a potentially widened buffer to A.M.-settled/P.M.-settled vertical spreads during volatile market conditions, and by allowing the System to recognize and accept A.M.-settled/P.M.-settled spreads with the same expiration date and exercise price as calendar spreads, rather than rejecting them. As discussed above, the Exchange states that because the component legs of an A.M.-settled/P.M.-settled vertical spread cease trading on different days, market participants price A.M.-settled/P.M.-settled vertical spreads more similarly to diagonal spreads. In addition, market participants treat A.M.-settled/P.M.-settled spreads with component legs that have the same exercise price and expiration date as calendar spreads, although the System currently does not recognize them as calendar spreads. The Commission believes that waiver of the operative delay will allow the Exchange to modify the debit/credit price reasonability check so that it applies to A.M.-settled/P.M.-settled calendar and vertical spreads in a manner that is consistent with market participants' pricing of these spreads, and could help to ensure that the price check does not reject appropriately priced A.M.-settled/P.M.-settled calendar and vertical spreads. In addition, the Commission believes that adding a definition of diagonal spread will help to clarify the operation of the rule. For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. According, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[25]

At any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[19] 15 U.S.C. 78s(b)(3)(A)(iii).

[20] 17 CFR 240.19b–4(f)(6).

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[23] 17 CFR 240.19b–4(f)(6).

[24] 17 CFR 240.19b–4(f)(6)(iii).

[25] For purposed only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2020–099 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2020–099. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2020–099, and should be submitted on or before November 12, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

J. Matthew DeLesDernier,

Assistant Secretary.

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[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90217; File No. SR–NYSENAT–2020–05]

Self-Regulatory Organizations; NYSE National, Inc.; Order Approving a Proposed Rule Change To Establish Fees for the NYSE National Integrated Feed

October 16, 2020.

I. Introduction

On February 3, 2020, NYSE National, Inc. (''NYSE National'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to establish fees for the NYSE National Integrated Feed. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule change was published for comment in the **Federal Register** on February 20, 2020.[4] On April 1, 2020, the Division of Trading and Markets (''Division''), for the Commission pursuant to delegated authority, temporarily suspended the proposed rule change and instituted proceedings to determine whether to approve or disapprove the proposed rule change.[5] On June 12, 2020, the Commission issued a request for information and additional comment on the proposed rule change.[6] On August 18, 2020, pursuant to Section 19(b)(2) of the Act,[7] the Division, for the Commission pursuant to delegated authority, designated a longer period within which to issue an order approving or disapproving the proposed rule change.[8] This order approves the proposed rule change.

II. Description of the Proposed Rule Change

NYSE National proposes to establish fees for the NYSE National Integrated Feed.[9] According to NYSE National, the NYSE National Integrated Feed is a NYSE National-only market data feed that provides vendors and subscribers on a real-time basis with a unified view of events, in sequence, as they appear on the NYSE National matching engine.[10] The NYSE National Integrated Feed includes depth-of-book order data, last sale data, security status updates (*e.g.,* trade corrections and trading halts), and stock summary messages.[11] It also includes information about NYSE National's best bid or offer at any given time.[12] NYSE National proposes the following fees for the NYSE National Integrated Feed:

- $2,500 per month access fee, which would be charged (once per firm) to any data recipient that receives a data feed of the NYSE National Integrated Feed; [13]
- $1,500 per month redistribution fee, which would be charged (once per redistributor account) to any redistributor [14] of the NYSE National Integrated Feed;
- $10 per month professional per user fee and $1 per month non-professional per user fee, which would apply to each display device that has access to the NYSE National Integrated Feed; [15]
- Non-display use [16] fees:

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] *See* Securities Exchange Act Release No. 88211 (February 14, 2020), 85 FR 9847 (''Notice''). Comments received on the Notice are available on the Commission's website at *https://www.sec.gov/comments/sr-nysenat-2020-05/srnysenat202005.htm.* The Commission notes that, on December 4, 2019, NYSE National filed a proposed rule change to establish fees for the NYSE National Integrated Feed that are identical to the fees proposed in this filing. *See* Securities Exchange Act Release No. 87797 (December 18, 2019), 84 FR 71025 (December 26, 2019) (SR–NYSENAT–2019–31). Comments received on SR–NYSENAT–2019–31 are available on the Commission's website at *https://www.sec.gov/comments/sr-nysenat-2019-31/srnysenat201931.htm.* On January 31, 2020, the Division of Trading and Markets, for the Commission pursuant to delegated authority, temporarily suspended SR–NYSENAT–2019–31 and instituted proceedings to determine whether to approve or disapprove that proposed rule change. *See* Securities Exchange Act Release No. 88109, 85 FR 6982 (February 6, 2020) (''SR–NYSENAT–2019–31 OIP''). On February 3, 2020, NYSE National withdrew SR–NYSENAT–2019–31. *See* Securities Exchange Act Release No. 88118 (February 4, 2020), 85 FR 7611 (February 10, 2020).

[5] *See* Securities Exchange Act Release No. 88538, 85 FR 19541 (April 7, 2020).

[6] *See* Securities Exchange Act Release No. 89065, 85 FR 37123 (June 19, 2020) (''Request for Comment''). Comments received on the Request for Comment are available on the Commission's website at *https://www.sec.gov/comments/sr-nysenat-2020-05/srnysenat202005.htm.*

[7] 15 U.S.C. 78s(b)(2).

[8] *See* Securities Exchange Act Release No. 89592, 85 FR 52174 (August 24, 2020).

[9] The fees became effective on February 3, 2020. Prior to February 3, 2020, NYSE National did not charge any fees for the NYSE National Integrated Feed. *See* Notice, *supra* note 4, at 9847.

[10] *See id.*

[11] *See id.*

[12] *See id.*

[13] Data recipients that only use display devices to view NYSE National Integrated Feed data and do not separately receive a data feed would not be charged an access fee. *See id.* at 9848.

[14] A redistributor would be a vendor or person that provides a real-time NYSE National market data product externally to a data recipient that is not its affiliate or wholly-owned subsidiary, or to any system that an external data recipient uses, irrespective of the means of transmission or access. *See id.*

[15] *See id.*

[16] Non-display use would mean accessing, processing, or consuming the NYSE National

○ $5,000 per month category 1 non-display fee, which would apply when a data recipient's non-display use of real-time market data is on its own behalf;

○ $5,000 per month category 2 non-display fee, which would apply when a data recipient's non-display use of real-time market data is on behalf of its clients;

○ $5,000 per platform per month category 3 non-display fee (capped at $15,000), which would apply when a data recipient's non-display use of real-time market data is for the purpose of internally matching buy and sell orders within an organization, including matching customer orders on a data recipient's own behalf and on behalf of its clients; [17]

• $1,000 per month non-display use declaration late fee, which would apply to any data recipient that is paying an access fee for the NYSE National Integrated Feed and that fails to complete and submit the annual non-display use declaration by December 31 of the year, and would apply beginning January 1 and for each month thereafter until the data recipient has completed and submitted the annual non-display use declaration; [18] and

• $200 per month multiple data feed fee, which would apply to any data recipient that takes a data feed for a market data product in more than two locations, and would apply to each location, beyond the first two locations, where the data recipient receives a data feed.[19]

The access fees, professional user fees, and non-display fees would not apply to Federal agencies [20] that subscribe to the products listed on the proposed fee schedule that includes such fees.[21]

Finally, first-time subscribers [22] would be eligible for a free trial by contacting NYSE National and would not be charged the access fee, the non-display fee, any applicable professional and non-professional user fee, and the redistribution fee for one calendar month for each of the products listed on the proposed fee schedule.[23] The free trial would be for the first full calendar month following the date a subscriber is approved to receive trial access to NYSE National market data.[24] As proposed, NYSE National would provide the one-month free trial for a particular product to each subscriber only once.[25]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[26] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(4) of the Act,[27] which requires that the rules of a national securities exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities; Section 6(b)(5) of the Act,[28] which requires, among other things, that the rules of a national securities exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers; and Section 6(b)(8) of the Act,[29] which requires that the rules of a national securities exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Commission also finds that the proposed rule change is consistent with Rule 603(a) of Regulation NMS,[30] which requires an exclusive processor that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are fair and reasonable and that are not unreasonably discriminatory.[31]

The Commission has historically applied a ''market-based'' test in its assessment of market data fees, such as the fees proposed herein. Under that test, the Commission considers ''whether the exchange was subject to significant competitive forces in setting the terms of its proposal for [market data], including the level of any fees.'' [32] If an exchange meets this burden, the Commission will find that its fee rule is consistent with the Act unless ''there is a substantial countervailing basis to find that the terms'' of the rule violate the

Integrated Feed, delivered directly or through a redistributor, for a purpose other than in support of a data recipient's display or further internal or external redistribution. *See id.* As proposed, non-display use would include trading uses such as high frequency or algorithmic trading, as well as any trading in any asset class, automated order or quote generation and order pegging, price referencing for algorithmic trading or smart order routing, operations controls programs, investment analysis, order verification, surveillance programs, risk management, compliance, and portfolio management. *See id.* One, two, or three categories of non-display use may apply to a data recipient. *See id.* at 9848–49. Moreover, data recipients that receive the NYSE National Integrated Feed for non-display use would be required to complete and submit a non-display use declaration before they would be authorized to receive the feed. *See id.* at 9849. In addition, if a data recipient's use of the NYSE National Integrated Feed data changes at any time after the data recipient submits a non-display use declaration, the data recipient must inform NYSE National of the change by completing and submitting an updated declaration reflecting the change of use at the time of the change. *See id.*

[17] According to NYSE National, category 3 non-display fees would apply to non-display use in trading platforms, such as, but not limited to, alternative trading systems (''ATSs''), broker crossing networks, broker crossing systems not filed as ATSs, dark pools, multilateral trading facilities, exchanges, and systematic internalization systems. *See id.* at 9848–49.

[18] *See id.* at 9849.

[19] *See id.*

[20] NYSE National states that the term ''Federal agencies'' as used in the proposed fee schedule would include all Federal agencies subject to the Federal Acquisition Regulation (''FAR''), as well as any Federal agency not subject to FAR that has promulgated its own procurement rules. *See id.* NYSE National further states that all Federal agencies that subscribe to the NYSE National real-time proprietary market data products would continue to be required to execute the appropriate subscriber agreement, which includes, among other things, provisions against the redistribution of data. *See id.*

[21] The proposed fee schedule lists NYSE National BBO, NYSE National Trades, and NYSE National Integrated Feed, and specifies that there would be no fees for NYSE National BBO and NYSE National Trades.

[22] A first-time subscriber would be any firm that has not previously subscribed to a particular product listed on the proposed fee schedule. *See* Notice, *supra* note 4, at 9849.

[23] *See id.*

[24] *See id.* at 9849–50.

[25] *See id.* at 9850.

[26] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f). *See infra* Sections III.A–C.

[27] 15 U.S.C. 78f(b)(4).

[28] 15 U.S.C. 78f(b)(5).

[29] 15 U.S.C. 78f(b)(8).

[30] 17 CFR 242.603(a).

[31] NYSE National is an exclusive processor of securities information under the Act because it distributes on its own behalf information regarding its quotations and transactions. *See* 15 U.S.C. 78c(a)(22)(B) (emphasis added) (defining ''exclusive processor'' to mean ''any securities information processor or self-regulatory organization which, directly or indirectly, engages on an exclusive basis on behalf of any national securities exchange or registered securities association, or *any national securities exchange or registered securities association which engages on an exclusive basis on its own behalf,* in collecting, processing, or preparing for distribution or publication any information with respect to (i) transactions or quotations on or effected or made by means of any facility of such exchange or (ii) quotations distributed or published by means of any electronic system operated or controlled by such association'').

[32] Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74781 (December 9, 2008) (''2008 ArcaBook Approval Order'') (approving proposed rule change to establish fees for a depth-of-book market data product). In 2010, the D.C. Circuit vacated the Commission's 2008 ArcaBook Approval Order. The court held that focusing on whether competitive market forces constrained the exchange's pricing decisions was an acceptable basis for assessing the fairness and reasonableness of the fees, but determined that the record did not factually support the conclusion that significant competitive forces limited the ability of NYSE Arca, Inc. (''NYSE Arca'') to set unfair or unreasonable prices. The D.C. Circuit vacated and remanded for further proceedings. *See* NetCoalition v. SEC, 615 F.3d 525, 535 (D.C. Cir. 2010) (''NetCoalition I'') (''We conclude the SEC's interpretation—that a market-based approach to evaluating whether NYSE Arca's non-core data fees are 'fair and reasonable'—is a permissible one.'').

Act or the rules thereunder.[33] If an exchange cannot demonstrate that it was subject to significant competitive forces, it must ''provide a substantial basis, other than competitive forces . . . demonstrating that the terms of the [fee] proposal are equitable, fair, reasonable, and not unreasonably discriminatory.'' [34]

A. Substitution-Based Arguments

In support of the proposed fees, NYSE National argues that the NYSE National Integrated Feed is sold in a competitive market.[35] NYSE National asserts that exchanges compete with each other in selling proprietary market data products, as well as with consolidated data feeds (*i.e.,* SIP feeds) and with data provided by ATSs.[36] In addition, NYSE National states that NYSE National BBO (which includes best bid and offer information for NYSE National on a real-time basis) and NYSE National Trades (which includes NYSE National last sale information on a real-time basis) are substitutes for the NYSE National Integrated Feed and constrain NYSE National's ability to charge supracompetitive prices for the feed.[37] In support of its claim, NYSE National states that, since the date of filing of SR–NYSENAT–2019–31 and before the proposed fees went into effect on February 3, 2020, five subscribers to the NYSE National Integrated Feed (*i.e.,* nearly 9% of the prior subscriber base) have cancelled their subscriptions due to the imminent imposition of the fees.[38] Moreover, NYSE National states that a sixth customer informed NYSE National that if NYSE National is permitted to impose the fees, the customer would cancel its subscription to the NYSE National Integrated Feed and instead subscribe to the NYSE National BBO feed, which NYSE National states will remain available for free.[39]

In response to the proposal, one commenter argues that the NYSE National Integrated Feed is not subject to competitive forces because there are no available substitutes to NYSE National's depth-of-book product,[40] as the NYSE National Integrated Feed is the only source of depth-of-book information on NYSE National.[41] This commenter also argues that NYSE National makes an unpersuasive attempt to show elasticity of demand for the NYSE National Integrated Feed (*i.e.,* in response to the fee increase, five of the 57 subscribers notified NYSE National of their intent to cancel their subscriptions before the fees went into effect, which the commenter considers to be a low proportion of subscribers).[42]

This commenter also argues that market data products are complementary because the ability of participants to evaluate the market, and therefore the utility and value of market data, increases with the addition of market data products from other exchanges.[43] Therefore, according to the commenter, exchanges have little incentive to reduce the prices for their own data because any theoretical increase in demand would be shared with other exchanges.[44] In addition, this commenter argues that other data feeds offered by NYSE National or other exchanges are not alternatives to the NYSE National Integrated Feed because only this feed provides depth-of-book information on NYSE National.[45] According to this commenter, broker-dealers feel obligated to obtain direct feeds across multiple exchanges to have the most robust view of the market, regardless of a given exchange's market share and, while not mandated by regulation to use direct feeds, a large number of broker-dealers feel that direct feeds are necessary for competitive and best execution reasons.[46] In this regard, the commenter states that a number of broker-dealers feel that they cannot ignore the NYSE National Integrated Feed and solely rely on consolidated data to meet their best execution obligations, and specifically that NYSE National has quotations at one side of the National Best Bid and Offer (''NBBO'') 37.7% of the time and at both sides of the NBBO 7.76% of the time.[47] This commenter also states that odd lot trades represented 36.6% of total trades at NYSE National, and the only way to see these odd lot quotes is to subscribe to the NYSE National Integrated Feed.[48] Finally, this commenter states that, despite a relatively small overall market share, NYSE National has a significant market share for certain stocks and exchange-traded products (''ETPs'').[49]

[33] 2008 ArcaBook Approval Order, *supra* note 32, at 74781. *See also* NetCoalition I, 615 F.3d at 532.

[34] 2008 ArcaBook Approval Order, *supra* note 32, at 74781. *See also* NetCoalition I, 615 F.3d at 532.

[35] *See* Notice, *supra* note 4, at 9851. NYSE National's initial proposal and subsequent comment letters focused on a platform-based argument and a substitution-based argument to demonstrate that the fees are constrained by significant competitive forces. The Commission discusses NYSE National's platform-based argument in Section III.B below.

[36] *See id.* NYSE National provides a report by Charles M. Jones to support these arguments. *See* Charles M. Jones, *Understanding the Market for U.S. Equity Market Data* (August 31, 2018) (''Jones Paper''), *available at https://www.sec.gov/rules/sro/nysenat/2020/34-88211-ex3a.pdf.*

[37] *See* Notice, *supra* note 4, at 9854.

[38] *See id.* at 9848.

[39] NYSE National states that these six lost subscribers constitute 10.5% of the prior number of subscribers to the NYSE National Integrated Feed. *See id.*

[40] *See* letters from Ellen Greene, Managing Director, Equities & Options Market Structure, SIFMA, to Vanessa Countryman, Secretary, Commission, dated March 11, 2020, at 2 (''SIFMA Letter I''); July 10, 2020, at 3–4 (''SIFMA Letter II''); and August 14, 2020, at 1–3 (''SIFMA Letter III''). This commenter also more generally argues that NYSE National fails to provide the necessary information for the Commission to determine whether the proposed fees meet the requirements of the Act. *See* SIFMA Letter I, *supra. See also* SIFMA Letter II, *supra,* at 1–2 (reiterating arguments made in SIFMA Letter I). In addition, this commenter refers to the comment letter it submitted on SR–NYSENAT–2019–31 in stating that the proposal does not meet the requirements of the Act. *See* SIFMA Letter I, *supra,* at 2. *See also* SR–NYSENAT–2019–31 OIP, *supra* note 4, at 6984–85 (describing the commenter's letter on SR–NYSENAT–2019–31); letter from Robert Toomey, Managing Director and Associate General Counsel, SIFMA, to Vanessa Countryman, Secretary, Commission, dated January 21, 2020, *available at https://www.sec.gov/comments/sr-nysenat-2019-31/srnysenat201931-6678406-204968.pdf.*

[41] *See* SIFMA Letter II, *supra* note 40, at 4.

[42] *See* SIFMA Letter I, *supra* note 40, at 2.

[43] *See* SIFMA Letter II, *supra* note 40, at 3 (citing Lawrence R. Glosten, *Economics of the Stock Exchange Business: Proprietary Market Data* (January 2020) (''Glosten Paper'')).

[44] *See id.*

[45] *See id.* at 4. This commenter also states that NYSE National's monopoly over this integrated data precludes the development of competing products to constrain its pricing. *See id.*

[46] *See* SIFMA Letter III, *supra* note 40, at 1–3 (citing Credit Suisse Securities, BofA Securities, Morgan Stanley, and Barclays as examples). *See also* SIFMA Letter II, *supra* note 40, at 4.

[47] *See* SIFMA Letter III, *supra* note 40, at 2 (citing data from June 2020).

[48] *See id.*

[49] *See id.* at 3. Specifically, the commenter states that once trading volume associated with the opening and closing auctions is excluded, the data indicate that NYSE National holds a larger market share for certain types of securities during regular trading hours. *See id.* According to the commenter, of the stocks that trade on NYSE National, in the 30-day period ending July 17, 2020, over 22% were small-cap stocks; with regard to 35% of those small-cap stocks, NYSE National had a continuous market share of between 2% and 5%, and with regard to 6% of those small-cap stocks, NYSE National had a continuous market share of between 5% and 10%. *See id.* The commenter also states that over 26% of the stocks traded on NYSE National in the same time period were mid-cap stocks; with regard to 27% of those mid cap stocks, NYSE National had a continuous market share of between 2% and 5%, and with regard to 8% of those mid-cap stocks, NYSE National had a continuous market share of between 5% and 10%. *See id.* In addition, the commenter states that, during the same period, NYSE National had ''significant market share'' in certain smaller, less liquid ETPs and, for at least some individual common stocks and ETPs, NYSE National had a market share of greater than 10%. *See id.* Further, according to the commenter, there were ''significant changes'' in the stocks and ETPs that had the highest market shares on NYSE National in the 30-day periods ending July 17, 2020 and May 17, 2020. *See id.* Finally, this commenter ranks common stocks and ETPs traded on NYSE National based on their percentage of continuous market volume (excluding primary exchange opening and closing auction volume) on NYSE National, and states that NYSE National had 14% market share for the top common stock and 7–8% market share for the next six common stocks in July 2020, and 12% market share for the top common

Similarly, another commenter questions whether third parties can compete with NYSE National in offering data related to activity on NYSE National.[50] This commenter also questions NYSE National's assertion that market participants have a meaningful ability to choose whether or not to connect to the NYSE National Integrated Feed and believes instead that many market participants must buy the feed.[51] This commenter acknowledges that NYSE National provides the number of customers that discontinued using the NYSE National Integrated Feed in response to the proposed fees, but expresses concern that NYSE National has not provided any relevant information about these customers (*e.g.,* why they subscribed to the NYSE National Integrated Feed in the first place; whether they were proprietary trading firms, agency brokers, or data vendors; and whether and how often they sent orders to NYSE National).[52] This commenter also states that NYSE National should update and further elaborate on information about the remaining subscribers.[53]

Finally, another commenter argues that other NYSE market data offerings and consolidated data cannot be considered to be competitors or substitutes that would constrain the pricing of the NYSE National Integrated Feed.[54] This commenter similarly states that data from one exchange is not a substitute for data from other exchanges, and that an exchange's depth-of-book data are unique to that exchange and cannot be obtained from any other source.[55]

In response to the Commission's Request for Comment and the comment letters received, NYSE National argues that the observation that some firms buy proprietary data from all exchanges is not sufficient to show that these products are complements,[56] and that the concept of ''monopolistic competition'' does not apply to exchanges' pricing of proprietary market data products because the Glosten Paper fails to address a key component of ''monopolistic competition.'' [57] In addition, NYSE National disagrees with commenters' assertions that customers are ''required'' to purchase the NYSE National Integrated Feed.[58] NYSE National asserts that there is no regulatory mandate (*e.g.,* best execution obligations) requiring any specific customers to purchase proprietary market data products from exchanges; rather, subscription to proprietary market data products is a business decision where individual market participants weigh the value of individual proprietary market data products to their individual business models and choose to invest in those products whose cost is justified by the expected benefits.[59] According to NYSE National, the fact that some number of broker-dealers choose to buy certain data products in order to compete with each other does not mean that the purchase of such products is ''required.'' [60]

In support of its arguments, NYSE National provides information regarding

stock and 6–7% market share for the next six common stocks in May 2020. *See id.* at 5. This commenter also states that NYSE National had 17% market share for the top ETP and 7–10% market share for the next six ETPs in July 2020, and 9% market share for the top ETP and 6–8% market share for the next six ETPs in May 2020. *See id.*

[50] *See* letter from Tyler Gellasch, Executive Director, The Healthy Markets Association, to Vanessa Countryman, Office of the Secretary, Commission, dated March 12, 2020, at 6–8 (''Healthy Markets Letter''). This commenter states that NYSE National controls who, under what terms, and when anyone other than NYSE National can obtain order-related information about NYSE National. *See id.* at 7. This commenter also more generally argues that the information provided by NYSE National is not adequate to establish that the proposed fees are consistent with the Act and Commission rules. *See id.* at 3–4. *See also* SR–NYSENAT–2019–31 OIP, *supra* note 4, at 6984 (describing the commenter's letter on SR–NYSENAT–2019–31); letter from Tyler Gellasch, Executive Director, The Healthy Markets Association, to Vanessa Countryman, Office of the Secretary, Commission, dated January 16, 2020, *available at https://www.sec.gov/comments/sr-nysenat-2019-31/srnysenat201931-6663540-203934.pdf.*

[51] *See* Healthy Markets Letter, *supra* note 50, at 4–5. According to this commenter, if one set of market participants has access to a faster, richer data set, then those without that information will not be as competitive and may not be able to quote or otherwise route orders in a manner that could effectively achieve best execution. *See id.* at 8.

[52] *See id.* at 5–6.

[53] *See id.* at 6.

[54] *See* letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Vanessa Countryman, Secretary, Commission, dated July 10, 2020, at 4, 6 (''Bloomberg Letter''). According to the commenter, if depth-of-book data products from different exchanges were close substitutes, it would be expected that customers purchase only from the lowest-priced provider. *See id.* at 6. Yet this commenter argues that such ''prices have not converged.'' *See id.*

[55] *See id.* at 6.

[56] *See* letter from Elizabeth K. King, Chief Regulatory Officer, ICE, General Counsel and Corporate Secretary, NYSE, to Vanessa Countryman, Secretary, Commission, dated August 14, 2020, at 15 (''NYSE National Letter I''). NYSE National also provides a report by Marc Rysman, which states that a standard definition of ''complements'' is ''two goods for which an increase in the price of one leads to a decrease in demand for the other'' and that a closely related definition of ''complementarity'' is that two goods are considered complements if the incremental value of consuming one good is greater when the other good is being consumed than when it is not. *See* Marc Rysman, *Complements, Competition, and Exchange Proprietary Data Products,* at 6–7 (August 13, 2020) (''Rysman Paper II''). Rysman Paper II states that the Glosten Paper does not test or directly argue that this definition of complements actually applies to any specific exchange data products, and that an observation that some buyers purchase all available products (even if true) does not imply that those products are complements. *See id.* at 6–8. Rather, Rysman Paper II provides an example designed to show that purchasing proprietary data products from several exchanges has decreasing marginal returns for the firms that purchase the data. *See id.* at 14–18. Rysman Paper II also states that goods for which an increase in the price of one leads to an increase in the demand for the other are ''substitutes.'' *See id.* at 6.

[57] *See* NYSE National Letter I, *supra* note 56, at 15–16 (stating that Glosten's concept of ''monopolistic competition'' is inconsistent with platform economics, and that while the Glosten Paper refers to ''monopolistic competitors,'' it does not engage in any meaningful analysis of new exchange competitors). *See also* Rysman Paper II, *supra* note 56, at 5, 20–21 (stating that the evocation of the monopolistic competition framework in the Glosten Paper is ''puzzling'' because the author does not engage with one of its characteristics, that there is free entry into the market for trading venues and that producers of market data make zero profits).

[58] *See* NYSE National Letter I, *supra* note 56, at 3, 17–21; letter from Elizabeth K. King, Chief Regulatory Officer, ICE, General Counsel and Corporate Secretary, NYSE, to Vanessa Countryman, Secretary, Commission, dated September 22, 2020, at 1–2 (''NYSE National Letter II'').

[59] *See* NYSE National Letter I, *supra* note 56, at 17–18. *See also* Rysman Paper II, *supra* note 56, at 9 (stating that competition among brokers can drive them to offer higher quality execution services and, to this end, to purchase proprietary data from more exchanges than they might otherwise have chosen to subscribe to, even though those data products deliver decreasing marginal returns in creating trading opportunities; and that proprietary traders compete to identify and take advantage of profitable trading opportunities, and may be driven to possibly purchase more of the data products offered by exchanges).

[60] *See* NYSE National Letter I, *supra* note 56, at 18. *See also* Rysman Paper II, *supra* note 56, at 19 (stating that even if exchanges' proprietary data products are complements to a limited set of traders, that does not imply that such data products are complements in terms of the overall demand for these products or that these products will be priced at supracompetitive levels). In addition, NYSE National cites a recent Commission order approving a new ''D-Limit discretionary limit order type'' offered by Investors Exchange LLC (''IEX''), in which the Commission stated that ''most broker-dealers have not purchased the fastest connectivity and market data from multiple individual exchanges that are necessary to be able to trade at the precise moments in time identified by the [crumbling quote indicator]'' used in conjunction with IEX's new order type. *See* NYSE National Letter II, *supra* note 58, at 2 (citing Securities Exchange Act Release No. 89686 (August 26, 2020), 85 FR 54438 (September 1, 2020) (SR–IEX–2019–15) (order approving a proposed rule change to add a new discretionary limit order type called D-Limit)). NYSE National argues that this finding means that ''the Commission is not free to accept SIFMA's unsupported contention that broker-dealers are 'required' to purchase the NYSE National Integrated Feed.'' *See id.* at 3. The Commission notes, however, that the statement made in the context of the IEX proposed rule change does not constitute a specific finding regarding the extent to which market participants purchase depth-of-book data from a particular exchange.

New York Stock Exchange LLC (''NYSE''), NYSE American LLC (''NYSE American''), NYSE Arca, and NYSE National (collectively, ''NYSE Group'') market data subscriptions by firms that trade on NYSE, which according to NYSE National indicates that many firms that trade on NYSE do not subscribe to the proprietary market data products of each of the NYSE Group exchanges and a significant percentage of such firms subscribe to no proprietary market data products at all.[61] NYSE National also states that 28 out of 49 total NYSE National member firms subscribed to the NYSE National Integrated Feed in February 2020 (when fees were charged for the feed) and 30 out of 48 total NYSE National member firms subscribed to the NYSE National Integrated Feed in June 2020 (when the feed was offered free of charge).[62] According to NYSE National, members that did not subscribe to the feed included several broker-dealers affiliated with global banks and other trading firms.[63] In addition, NYSE National states that five subscribers cancelled their subscriptions before the new fees went into effect due to the imminent imposition of the fees,[64] and that the sixth customer who warned it would cancel its subscription did in fact do so.[65] According to NYSE National, these former subscribers include at least one well-known hedge fund, a brokerage firm and investment adviser affiliated with a global bank, and several broker-dealers and investment management firms.[66] In addition, the Exchange states that two more subscribers requested cancellation of their subscriptions after paying the fees in February and March 2020, citing the fees as their reason for cancelling, but ultimately did not pursue cancellation once the feed became free again in April 2020.[67] NYSE National further states that an additional prospective customer ''walked away'' upon learning of the fees it would have to pay.[68]

As discussed below in this Section III.A., in light of NYSE National's consistently low percentage of market share, the relatively small number of subscribers to the NYSE National Integrated Feed, and the sizeable portion of subscribers that terminated their subscriptions following the proposal of the fees, the Commission finds that the proposed rule change is consistent with the Act. In particular, the Commission believes that NYSE National has provided sufficient information to demonstrate that it was subject to significant substitution-based competitive forces in setting the terms of its proposal for NYSE National Integrated Feed fees.[69]

In *NetCoalition I,* while vacating the Commission's 2008 ArcaBook Approval Order, the D.C. Circuit stated that ''the existence of a substitute does not necessarily preclude market power,'' that ''whether a market is competitive notwithstanding potential alternatives depends on factors such as the number of buyers who consider other products interchangeable and at what prices,'' and that ''[t]he inquiry into whether a market for a product is competitive . . . focuses on . . . the product's elasticity of demand.'' [70] The court found that the Commission's analysis of alternatives in the 2008 ArcaBook Approval Order did not reveal the number of potential users of the data or how they might react to a change in price.[71] The court stated that there was no information regarding how many traders accessed NYSE Arca's depth-of-book data during the period it was offered without charge (and thus how many traders might have been interested in paying for NYSE Arca's depth-of-book data), or whether the traders who wanted depth-of-book data would have declined to purchase it if met with a supracompetitive price.[72]

With respect to the current proposal, NYSE National provides the information identified by the court in *NetCoalition I* as information it considers useful to demonstrate whether an exchange is subject to significant competitive forces in pricing its market data. Specifically, NYSE National provides information regarding the number of potential users of the NYSE National Integrated Feed—in November 2019, prior to NYSE National's first filing to adopt fees for the feed, when the feed was offered without charge, there were 57 subscribers to the feed.[73] NYSE National also provides information regarding how potential users of the feed reacted to the introduction of the fees—six out of the 57 subscribers cancelled their subscriptions due to the proposed fees after they were first filed in December 2019, and two more subscribers requested cancellation of their subscriptions after paying the fees in February and March 2020, citing the fees as their reason for cancelling, but ultimately did not pursue cancellation once the feed became free again in April 2020.[74] NYSE National also states that an additional prospective customer ''walked away'' upon learning of the fees it would have to pay.[75]

[61] According to NYSE National, this data show that in December 2018 and June 2020: (1) Less than one-third of the firms subscribed to proprietary market data from all of the four NYSE Group exchanges; (2) approximately one-third of the firms subscribed to proprietary market data from only one of these four exchanges; and (3) 14.6% (in December 2018) and 12.8% (in June 2020) of the firms did not subscribe to any proprietary market data products from any of these four exchanges. *See* NYSE National Letter I, *supra* note 56, at 18; Rysman Paper II, *supra* note 56, at 10–11. This data also show that in December 2018 and June 2020: (1) Less than 20% of the firms subscribed to the Integrated Feeds from all of NYSE, NYSE American, NYSE Arca, and NYSE National; and (2) 66.0% (in December 2018) and 59.6% (in June 2020) of the firms did not subscribe to any Integrated Feed from any of these four exchanges. *See* NYSE National Letter I, *supra* note 56, at 18; Rysman Paper II, *supra* note 56, at 11–12.

[62] *See* NYSE National Letter I, *supra* note 56, at 19.

[63] *See id.*

[64] *See id. See also supra* note 38 and accompanying text.

[65] *See* NYSE National Letter I, *supra* note 56, at 19–20. *See also supra* note 39 and accompanying text.

[66] *See* NYSE National Letter I, *supra* note 56, at 20.

[67] *See id.*

[68] *See id.*

[69] Under Commission Rule of Practice 700(b)(3), NYSE National has the ''burden to demonstrate that a proposed rule change is consistent with the [Act] and the rules and regulations issued thereunder.'' 17 CFR 201.700(b)(3). Based on the discussion below, the Commission does not agree with commenter arguments that the information provided by NYSE National is not adequate to establish that the proposed fees are consistent with the Act and Commission rules. *See supra* notes 40, 50.

[70] *See* NetCoalition I, 615 F.3d at 542 (internal quotation marks omitted). *See also id.* at 539–41 (considering order flow competition); *id.* at 537 (stating that ''[a]lthough we uphold the SEC's market-based approach against the petitioners' cost-based challenges, we do not mean to say that a cost analysis is irrelevant'' and that because ''in a competitive market, the price of a product is supposed to approach its marginal cost, *i.e.,* the seller's cost of producing one additional unit,'' ''the costs of collecting and distributing market data can indicate whether an exchange is taking 'excessive profits' or subsidizing its service with another source of revenue'').

[71] *See id.* at 542.

[72] *See id.* at 542–43. Moreover, the court in *NetCoalition I* noted that, as of July 2008, about 15% of International Securities Exchange (''ISE'') members—20 out of 140—subscribed to ISE's depth-of-book product even though it was free, and stated that, given that ISE's share volume in U.S.-listed stocks was significantly smaller than that of NYSE Arca (0.9% compared to 16.5% in June 2008), it was no surprise that its market data was less in demand. *See id.* at 543. Similar to ISE in 2008, NYSE National has had less than 2% of total share volume on all but 16 days since it re-launched trading in May 2018 (and never above 2.2%) and, as demonstrated by the number of NYSE National Integrated Feed subscribers, faces a lower demand for the NYSE National Integrated Feed as compared to demand for the data feeds of other exchanges. *See* Cboe Global Markets, U.S. Equities Market Volume Summary, *available at https://markets.cboe.com/us/equities/market_statistics/venue/nysenational/all_market/* (showing that NYSE National has had 2% or more of total market share on only 16 days since it re-launched trading in May 2018). *See also infra* note 83 (discussing the Commission's analysis of NYSE National's market share).

[73] *See supra* note 64 and accompanying text.

[74] *See supra* notes 64–67 and accompanying text.

[75] *See supra* note 68 and accompanying text.

Accordingly, approximately 14% of the NYSE National Integrated Feed subscribers were willing to drop or did drop the feed in response to the proposed fees.

Other information also shows that many market participants (including executing broker-dealers and other trading venues) do not subscribe to (*i.e.,* have access to one or more substitutes for) the NYSE National Integrated Feed, even when the feed is offered without charge, which further demonstrates that NYSE National was subject to significant competitive forces in pricing the NYSE National Integrated Feed. In particular, many of the NYSE National member firms do not subscribe to the NYSE National Integrated Feed, even when it was available for free: NYSE National states that 28 out of 49 NYSE National member firms subscribed to the NYSE National Integrated Feed in February 2020 (when fees were charged for the feed) and 30 out of 48 NYSE National member firms subscribed to the NYSE National Integrated Feed in June 2020 (when the feed was again offered free of charge).[76] In addition, NYSE National states that at least ten firms would have been subject to the Category 3 Non-Display Use fees at the time NYSE National first filed these fees with the Commission in December 2019.[77] Given that, in December 2019, there were 12 equities exchanges (not including NYSE National) [78] and 31 NMS Stock ATSs that had an effective Form ATS–N on file with the Commission [79] that would be subject to the Category 3 Non-Display Use fees if they subscribed to the NYSE National Integrated Feed, it appears that more than three-quarters of trading platforms that would be subject to the Category 3 Non-Display Use fees have chosen not to subscribe to the NYSE National Integrated Feed. Moreover, a recent Commission decision on market data fees included an argument from The Nasdaq Stock Market LLC that approximately 100 trading firms pursue algorithmic trading strategies that may require all depth-of-book data from every exchange.[80] However, given that there were only 57 subscribers to the NYSE National Integrated Feed when it was offered for free and six subscribers discontinued their subscriptions in response to the fees, it is likely that a significant number of firms that typically require exchange depth-of-book data products are using a substitute to the NYSE National Integrated Feed (and any substitute may include the option to forgo access to such proprietary data for certain firms).

Based on the foregoing, the Commission finds that NYSE National was subject to significant competitive forces in setting the terms of its proposed fees. The Commission believes that market participants have access to a substitute for the NYSE National Integrated Feed in light of NYSE National's consistently low percentage of market share, and as demonstrated by the relatively small number of subscribers to the NYSE National Integrated Feed and the sizeable portion of subscribers that terminated their subscriptions following the proposal of the fees. In addition, the Commission believes that, despite commenters' arguments to the contrary,[81] and while it has not been substantiated that data from another exchange are a substitute for data from NYSE National, the information provided by NYSE National demonstrates that a number of executing broker-dealers [82] do not subscribe to the NYSE National Integrated Feed and executing broker-dealers can otherwise obtain NYSE National best bid and offer information from the consolidated data feeds.[83]

As discussed above,[84] the Commission's market-based test considers ''whether the exchange was subject to significant competitive forces in setting the terms of its proposal for [market data], including the level of any fees.'' [85] If an exchange meets this burden, the Commission will find that its fee rule is consistent with the Act unless ''there is a substantial countervailing basis to find that the terms'' of the rule violate the Act or the rules thereunder.[86] The Commission has stated that it ''believes that the existence of significant competition provides a substantial basis for finding that the terms of an exchange's fee proposal are equitable, fair, reasonable, and not unreasonably or unfairly discriminatory.'' [87] With the current proposed rule change, because NYSE National has demonstrated that it was subject to significant competitive forces in setting the terms of its proposed fees, the Commission finds that the proposal is consistent with Sections 6(b)(4), 6(b)(5), and 6(b)(8) of the Act and Rule 603(a) of Regulation NMS.

The Commission notes that its finding is specific to the fees proposed by NYSE National and the information provided by NYSE National in connection with the current proposed rule change, and that any proposed rule change by any SRO will be considered based on the specific factual information before the Commission in the record at issue.

B. Platform Competition-Based Arguments

In support of its belief that the proposed fees are reasonable, NYSE National states that exchanges in general function as platforms between consumers of market data and consumers of trading services, and that overall competition between exchanges will limit their overall profitability.[88] In

[76] *See supra* note 62 and accompanying text.

[77] *See* Notice, *supra* note 4, at 9850.

[78] A list of national securities exchanges is available on the Commission's website at *https://www.sec.gov/rules/sro.shtml.*

[79] A list of NMS Stock ATSs is available on the Commission's website at *https://www.sec.gov/divisions/marketreg/form-ats-n-filings.htm.*

[80] In the Matter of the Application of SIFMA, Securities Exchange Act Release No. 84432, 29 (October 16, 2018), *available at https://www.sec.gov/litigation/opinions/2018/34-84432.pdf* (''SIFMA Decision'').

[81] *See supra* notes 40, 47–49, 51, 54, and accompanying text (describing commenters' arguments that NYSE National has quotations at the NBBO a notable percentage of the time, a notable percentage of odd lot trades, and a ''significant'' market share for certain securities, and that market participants do not have a meaningful ability to choose not to subscribe to the NYSE National Integrated Feed).

[82] The Commission believes that different types of market participants have different needs for market data products. For example, executing broker-dealers, or those that are directly involved in the submission of orders to an exchange, may have a greater need for the exchange's market data products than other market participants that do not submit and execute orders on the exchange, and executing broker-dealers who purchase the exchange's market data products may execute a significant portion of volume on the exchange.

[83] Moreover, while a commenter provides data to support its argument that NYSE National has a ''significant'' market share for certain securities, the commenter's data only show NYSE National's market share over two 30-day periods and do not take into account primary exchange opening and closing auction volume. *See supra* note 49. The Commission has analyzed the securities that traded at least one day on NYSE National during the period from May 21, 2018 (*i.e.,* the re-launch of trading on NYSE National) through July 23, 2020, and finds that during this period, on a monthly basis, the percent of shares traded on NYSE National averaged less than 2% of total shares traded for over 94% of the securities. Of the 21 securities in which the commenter claims NYSE National has a ''significant market share,'' average market share (for all trading, including regular trading hours, extended hours, and auctions) during the 27-month period from May 21, 2018 through July 23, 2020 was, in all cases, lower than what the commenter shows for the two months that it has selected.

[84] *See supra* notes 32–34 and accompanying text.

[85] 2008 ArcaBook Approval Order, *supra* note 32, at 74781.

[86] *Id.*

[87] *Id.* at 74781–82. In this regard, the Commission has also indicated that the availability of substitutes can impose competitive restraints to ensure that an exchange acts equitably, fairly, and reasonably. *See id.* at 74785.

[88] *See* Notice, *supra* note 4, at 9852. According to NYSE National, exchanges are platforms for market data and transaction services and competition for order flow on the trading side of the platform acts to constrain the pricing of market data on the other side of the platform. *See id.* at 9853.

connection with these arguments, NYSE National asserts that the introduction of the NYSE Integrated Feed in 2015 attracted more trading to NYSE by both subscribers and non-subscribers to the NYSE Integrated Feed,[89] and concludes that overall competition between exchanges will limit exchanges' overall profitability (not margins on any particular side of the platform).[90]

In addition, NYSE National argues that, due to the ready availability of substitutes and the low cost to move order flow to substitute trading venues, an exchange setting market data fees that are not at competitive levels would expect to quickly lose business to alternative platforms with more attractive pricing.[91] NYSE National argues that subscribing to the NYSE National Integrated Feed is optional, that its customers may choose to discontinue using the feed once the proposed fees are effective, and that any customers who choose to discontinue using the feed may choose to shift order flow away from NYSE National.[92] Similarly, NYSE National argues that its market data pricing is constrained by the availability of numerous substitute platforms offering competing proprietary market data products and trading services.[93]

In response to the proposal, one commenter argues that competition for order flow under the ''platform theory'' does not constrain the cost of market data, but instead results in ''supra-monopoly'' prices for market data products.[94] This commenter also argues that an exchange has yet to show an increase (or decrease) in trading volume after reducing (or increasing) its price of market data, and that NYSE National does not state the anticipated impact on order flow from losing subscribers to the NYSE National Integrated Feed.[95] In addition, this commenter argues that, because it believes competitive forces have not constrained the cost of market data, NYSE National should provide additional information on cost.[96]

Another commenter argues that regulatory requirements and commercial realities regarding brokers' execution obligations preclude firms from diverting orders from an exchange to protest market data fees, and that ''protests'' and ''threats'' do not equate to competition.[97] According to this commenter, abandoning an exchange with substantial volume means forgoing valuable trading opportunities and hurting execution quality.[98] Moreover, this commenter maintains that NYSE National's characterization of platform competition, and characterization of market data and transaction services as two sides of an exchange platform, are incorrect.[99] This commenter argues that because an exchange's trading services and market data subscriptions are different services that are sold separately to different (albeit overlapping) customers at different times, they are not on opposite sides of the same transaction—the ''key feature'' of multisided platforms.[100] This commenter further argues that NYSE National has not substantiated the assertion that ''traders base their decisions regarding where to execute trades based on the combined cost of execution and data services.''[101] Lastly, this commenter argues that NYSE National's interpretation of platform theory would lead to inconsistencies with the Act, as it would allow NYSE National to set supracompetitive depth-of-book data prices so long as it charged less for other services, whereas the Act requires data prices themselves to be fair and reasonable to protect investors and ensure that market data are widely disseminated.[102]

Finally, another commenter objects to NYSE National's platform-based arguments, stating that the supply and demand functions for order flow and market data are separate.[103] This commenter also states that NYSE National does not provide any information about the costs of production for the NYSE National Integrated Feed and the expected revenue NYSE National projects to generate from the proposed fees.[104]

In response to the Commission's Request for Comment and the comment letters received, NYSE National reiterates that, under the market-based approach, it has already demonstrated that pricing for proprietary market data products such as the NYSE National Integrated Feed is constrained by competition among exchanges.[105] In support of this argument, NYSE National references statements by the Antitrust Division of the U.S. Department of Justice for the merger of NYSE Euronext with Deutsche Börse AG from 2011, which stated that real-time proprietary market data products constitute a separate ''relevant market'' for antitrust purposes and that at that time there were four ''major

[89] *See id.* at 9852. NYSE National provides a report by Marc Rysman to support these arguments. *See* Marc Rysman, *Stock Exchanges as Platforms for Data and Trading* (December 2, 2019) (''Rysman Paper I''), *available at https://www.sec.gov/rules/sro/nysenat/2020/34-88211-ex3b.pdf.* NYSE National also states that, since May 2018, when NYSE National re-launched trading, it has observed a direct correlation between the steady increase of subscribers to the NYSE National Integrated Feed and the increase in NYSE National's transaction market share volume over the same period. *See* Notice, *supra* note 4, at 9850. NYSE National states that, between May 2018 and October 2019, it has grown from 0% to nearly 2% market share of consolidated trading volume and, between May 2018 and November 2019, the number of NYSE National Integrated Feed subscribers increased from 12 to 57. *See id.* at 9847–48, 9852.

[90] *See* Notice, *supra* note 4, at 9852 (citing Rysman Paper I, *supra* note 89).

[91] *See id.* at 9853. *See also* Jones Paper, *supra* note 36 (stating that the market for order flow and the market for market data are closely linked, and that an exchange needs to consider the negative impact on its order flow if it raises the price of market data).

[92] *See* Notice, *supra* note 4, at 9850, 9853.

[93] *See id.* at 9853.

[94] *See* SIFMA Letter I, *supra* note 40, at 2. In a subsequent letter, this commenter also cites a report concluding that exchanges charge ''reasonable'' prices for trading because trading services are substitutes and subject to ''strong'' competitive forces, while charging ''high'' prices for data because exchanges' data products are complements, resulting in ''supra-monopoly'' prices for such complementary products. *See* SIFMA Letter II, *supra* note 40, at 2–3 (citing Glosten Paper, *supra* note 43).

[95] *See* SIFMA Letter I, *supra* note 40, at 2. *See also* SIFMA Letter II, *supra* note 40, at 3 (stating that, despite a meaningful decrease in market share by NYSE and NYSE Arca between May 2018 and December 2019, those exchanges did not respond by reducing the cost of their market data due to the loss of market share, and that the introduction of the NYSE National Integrated Feed fees would significantly increase the overall cost of market data for the NYSE exchanges when the overall market share for those exchanges collectively increased by only 0.34% between May 2018 and December 2019).

[96] *See* SIFMA Letter I, *supra* note 40, at 2; SIFMA Letter II, *supra* note 40, at 4.

[97] *See* Bloomberg Letter, *supra* note 54, at 5.

[98] *See id.* The commenter states that if any firm unilaterally abandons a major exchange to protest market data fees, it would put itself at a significant competitive disadvantage. *See id.*

[99] *See id.* at 7–8. Rather, this commenter believes that exchanges are two-sided platforms only insofar as they intermediate between liquidity providers and liquidity takers. *See id.* at 7.

[100] *See id.* at 8. In that vein, this commenter argues that NYSE National's interpretation of platform theory incorrectly assumes that traders can readily shift orders to another exchange in response to market data fees and thereby lower their overall costs of trading, and that regulatory and business considerations constrain traders' ability to shift order flow based on market data fees. *See id.*

[101] *See id.* Further, this commenter states that even if a trader were somehow to shift all of its orders to a different exchange, this would not obviate the trader's need to purchase market data from that exchange, as sophisticated traders purchase substantially all exchanges' market data to optimize trading decisions. *See id.*

[102] *See id.* at 8–9.

[103] *See* Healthy Markets Letter, *supra* note 50, at 9–10. *See also* SIFMA Letter III, *supra* note 40, at 3 (stating that market data fees are charged on a monthly basis and such fees are not one of the best execution factors used by broker-dealers when routing client orders).

[104] *See* Healthy Markets Letter, *supra* note 50, at 9. In addition, this commenter states that NYSE National does not provide any information about the latency difference between the NYSE National Integrated Feed and the consolidated data feed or other methods of transmitting data. *See id.*

[105] *See* NYSE National Letter I, *supra* note 56, at 2.

competitors'' in that market.[106] NYSE National also argues that there is a high degree of fragmentation among trading venues and low barriers to entry.[107] According to NYSE National, these factors demonstrate that the market for proprietary market data products is highly competitive, and that customers dissatisfied with exchanges' pricing for market data products may respond by moving their order flow to a different venue, or even by establishing competing exchanges with different pricing models (*e.g.,* BATS Exchange, Inc. (''BATS''), or MEMX LLC).[108]

In addition, NYSE National reiterates that exchanges are platforms for market data and trading, that fierce competition for order flow on the trading side of the platform acts to discipline the pricing of market data on the other side of the platform, and that NYSE National is thereby constrained from pricing the NYSE National Integrated Feed at a supracompetitive price.[109] NYSE National argues that the different timing of decisions for purchasing data and order routing is not inconsistent with trade executions and market data being joint products.[110] NYSE National also argues that the Glosten Paper provides no empirical analysis or data to support its conclusions that exchanges are not platforms and that exchanges' proprietary market data products are complements offered by monopolistic competitors charging supracompetitive prices.[111] NYSE National further states that conclusions about the existence of exchange-versus-exchange competition in the market for trading services and data are not dependent on any assessment of its costs to produce the NYSE National Integrated Feed, its return on that investment, or its profit margin.[112]

Moreover, in response to the Commission's Request for Comment, NYSE National argues that under *NetCoalition I,* an exchange does not have to provide both a cost-based analysis and a market-based approach to demonstrate that the proposed fees are constrained by competition.[113] According to NYSE National, it has provided ample evidence that pricing for the NYSE National Integrated Feed is constrained by competition.[114] NYSE National also states that the cost data requested by the Commission to assess the presence of competition would not accurately reveal the profitability of NYSE National's market data products for the following reasons: (1) Such accounting data do not always accurately reflect economic profitability and therefore can be unreliable for evaluating the competitiveness of an industry, especially where such costs are disaggregated and allocated across various units within a firm;[115] (2) transaction services and market data are two sides of the same coin, and artificially dividing costs between these two products would result in data that are inaccurate and unreliable;[116] and (3) *NetCoalition I* incorrectly assumed that in a competitive market, the price of a product approaches its marginal cost, and this theory has limited real-world application.[117]

As discussed above, in light of NYSE National's consistently low percentage of market share, the relatively small number of subscribers to the NYSE National Integrated Feed, and the sizeable portion of subscribers that terminated their subscriptions following the proposal of the fees, the Commission finds that the proposal is consistent with the Act. The Commission reaches that conclusion, however, without agreeing with or otherwise relying on the arguments made by NYSE National that exchanges function as platforms between consumers of market data and consumers of trading services, that overall competition between exchanges will limit their overall profitability, and that competition for order flow on the trading side of the platform acts to constrain the pricing of market data on the other side of the platform.

The Commission acknowledges that platform-based competition could potentially provide a basis for demonstrating significant competitive forces with regard to pricing market data. With respect to the current proposal, the Commission requested information in connection with NYSE National's platform theory arguments in

[106] *See id.* at 2, 5–6. The question posed in a proceeding under Section 7 of the Clayton Act is distinct from that necessary for the Commission to determine whether there is sufficient market competition to constrain the prices charged for the NYSE National Integrated Feed, such that fees are fair and reasonable under the Act.

[107] *See* NYSE National Letter I, *supra* note 56, at 2, 6–9 (noting that today, equities trading is dispersed across 13 equities exchanges (with three additional exchanges expected to enter the market in 2020) and 31 ATSs and numerous broker-dealer internalizers and wholesalers, that no single exchange has more than 20% market share, and that NYSE National has less than 2% market share). *See also* Rysman Paper II, *supra* note 56, at 5 (stating that the NYSE exchanges' share of U.S. equities trading is below thresholds considered indicative of substantial market power).

[108] *See* NYSE National Letter I, *supra* note 56, at 9.

[109] *See id.* at 2, 9–11 (reiterating conclusions from Rysman Paper I, *supra* note 89). NYSE National disagrees with a commenter's view that exchanges are platforms insofar as they intermediate between liquidity providers and liquidity takers. *See id.* at 11 n.42. According to NYSE National, from an ''economic perspective,'' firms are platforms if they act as intermediaries between two or more sets of agents in a setting where the decisions of each set of agents affects the outcomes of the other set of agents, typically through an externality. *See id.* NYSE National also states that platform theory does not assume that traders can readily shift orders to another exchange in response to market data fees and thereby lower their overall cost of trading. *See id.* Rather, firms may respond to market data fees by choosing to purchase or not to purchase a particular data product, and such choices have implications for that firm's order routing decisions. *See id.* In a subsequent comment letter, NYSE National provides a report that tests whether the introduction of certain market data fees by NYSE Arca, EDGX Exchange, Inc. (''EDGX''), and BATS affected the exchanges' market share, and states that the introduction of these fees led to a decrease in the exchanges' market share. *See* letter from Elizabeth K. King, Chief Regulatory Officer, ICE, General Counsel and Corporate Secretary, NYSE, to Vanessa Countryman, Secretary, Commission, dated October 12, 2020 (introducing Jonathan Brogaard and James Brugler, *Competition and Exchange Data Fees* (October 2, 2020) (''Brogaard and Brugler Paper'')). NYSE National submitted the Brogaard and Brugler Paper less than four days before the date by which the Commission must approve or disapprove the proposed rule change, which does not allow sufficient time to meaningfully engage with the complex analysis in the paper. Thus, the paper has not been fully considered. The Commission staff reminded NYSE National of the option to withdraw the proposed rule change and resubmit with the paper so it could be appropriately reviewed. In any event, the Commission need not consider an argument premised on this study because the Commission concludes there is an adequate basis for approval without the study.

[110] *See id.* at 15. *See also* Rysman Paper II, *supra* note 56, at 22 (stating that this type of mismatch in timescales is common on platforms, and if data are useful for deciding what exchange to route orders to, the data subscription decisions made each month can impact the order routing decisions made at high frequencies; that having additional trading on an exchange makes its data more valuable so that a trader should be more willing to pay for it; and that therefore there are reasons to expect linkages running in both directions, from trading to data and from data to trading, despite the difference in timeframes).

[111] *See* NYSE National Letter I, *supra* note 56, at 2, 14–16. Rysman Paper II also states that the ''central implication of platform theory for the assessment of exchange proprietary data fees, that they cannot be considered independently of competition for order flow, does not depend on the size of a platform.'' Rysman Paper II, *supra* note 56, at 23.

[112] *See* NYSE National Letter I, *supra* note 56, at 11–12.

[113] *See id.* at 2–4.

[114] *See id.*

[115] *See id.* at 12. NYSE National states that data regarding its costs are not kept in the disaggregated manner requested by the Commission, meaning that cost data would have to be imperfectly allocated across business lines. *See id.*

[116] *See id.* at 12–13 (referencing a 2014 report prepared by Oxera for the European Commission, which: (1) Observed that market data products and trading services are joint products because it is not possible to provide transaction services without generating market data, and it is not possible to generate trade transaction or market depth data without also supplying an execution service; and (2) stated that with joint products, the production costs of the outputs cannot be separated (*i.e.,* they are joint costs), and that the appropriate frame of reference for the economically efficient recovery of the costs of trading venues is at the level of combined transaction revenues and data revenues).

[117] *See id.* at 13–14.

the Request for Comment.[118] The Commission believes, however, that more information than has been provided (including some or all of the following information discussed below) would be necessary to demonstrate that NYSE National was constrained by the presence of competitive forces under the platform theory in setting the terms of its proposed fees.

NYSE National argues that customers who are dissatisfied with the proposed fees may discontinue using the NYSE National Integrated Feed, and customers who choose to discontinue using the feed may choose to shift order flow away from NYSE National (*i.e.,* there are substitute exchange platforms to NYSE National).[119] However, while NYSE National provides information regarding the number of subscribers who discontinued using the NYSE National Integrated Feed due to the proposed fees,[120] NYSE National does not address whether and to what extent these customers also shifted order flow away from NYSE National.[121] NYSE National also does not address whether the customers who continued using the NYSE National Integrated Feed shifted order flow away from NYSE National in response to the proposed fees and whether the shift in order flow would be sufficient to have a disciplining effect on market data prices.[122]

Moreover, as discussed above, NYSE National states that it has observed a correlation between the increase in subscribers to the NYSE National Integrated Feed and the increase in NYSE National's transaction market share volume.[123] However, NYSE National has not established a causal relationship between the increase in NYSE National Integrated Feed subscribers and the increase in NYSE National's transaction market share volume.[124] Indeed, other factors could explain the increase in transaction market share volume. For example, during the relevant period, NYSE National's transaction fees were priced such that NYSE National experienced negative net capture, meaning the revenue from transaction fees was exceeded by transaction-based expenses,[125] and NYSE National did not address whether these transaction fees may have been the driving cause behind its changes in market share.[126] Likewise, NYSE National does not explain why the correlation supports a conclusion that competition for order flow on NYSE National constrains the pricing of the NYSE National Integrated Feed.[127] Similarly, as discussed above, NYSE National states that the introduction of the NYSE Integrated Feed (which was offered for free at the time it was introduced [128]) attracted more trading on NYSE.[129] However, NYSE National does not explain why this scenario is applicable to the current proposal (*i.e.,* adoption of fees for an existing market data product) and why it supports a conclusion that competition for order flow on NYSE National constrains the pricing of the NYSE National Integrated Feed.[130]

In addition, as discussed above, NYSE National argues that the fragmentation of equities trading among trading venues and low barriers to entry demonstrate that the market for proprietary market data products is highly competitive, and that customers dissatisfied with exchanges' pricing for market data products may respond by moving their order flow to a different venue.[131] However, NYSE National does not provide data to show that customers moving order flow away from an exchange because of changes in that exchange's market data fees has a sufficiently disciplinary effect on market data pricing (or explain why such data would be unnecessary).[132]

Further, as discussed above, NYSE National argues that overall competition between exchanges will limit their overall profitability (and not margins on any particular side of the platform).[133] However, NYSE National has not established that competition between exchanges has in fact limited its overall profitability (or explain why doing so would be unnecessary).[134] Even though NYSE National argues that accounting data do not always accurately reflect economic profitability and therefore can be unreliable for evaluating the competitiveness of an industry,[135] NYSE National does not explain what information, other than accounting data, would appropriately demonstrate that its overall profitability is limited by competition with other exchanges.[136]

C. Other Arguments and Comments

NYSE National argues that the proposed fees are equitably allocated and not unfairly discriminatory,[137] and do not impose an unnecessary or

[118] *See* Request for Comment, *supra* note 6, at 37126–28. *See also infra* notes 121, 124, 127, 130, 132, 134, 136, and accompanying text.

[119] *See supra* notes 91–93, 108, and accompanying text.

[120] *See supra* notes 64–67 and accompanying text.

[121] *See* Request for Comment, *supra* note 6, at 37127 (requesting, for time periods that would provide meaningful comparisons, information regarding trading volume for customers and firms on NYSE National). *See also id.* at 37127–28 (requesting analogous additional information with respect to NYSE).

[122] *See supra* note 121.

[123] *See supra* note 89.

[124] *See* Request for Comment, *supra* note 6, at 37127 (requesting ''[a]n explanation of NYSE National's characterization that market data and transaction services are the two sides of the exchange platform'').

[125] In 2019, NYSE National collected $53,810,000 in transaction fees but incurred transaction-based expenses, exclusive of Section 31 fees, of $57,983,000. *See* Exhibit I Accompanying Amendment to Form 1 Registration Statement of NYSE National, Inc. (June 29, 2020), *available at https://www.sec.gov/Archives/edgar/vprr/2001/20012255.pdf* (providing audited financial statements for NYSE National for the year ended December 31, 2019).

[126] *See* NYSE National Schedule of Fees and Rebates as of August 12, 2020, *available at https://www.nyse.com/publicdocs/nyse/regulation/nyse/NYSE_National_Schedule_of_Fees.pdf. See also, e.g.,* Securities Exchange Act Release Nos. 84380 (October 5, 2018), 83 FR 51750 (October 12, 2018) (SR–NYSENAT–2018–22) (notice of filing and immediate effectiveness of proposed rule change to amend NYSE National's schedule of fees); 86618 (August 9, 2019), 84 FR 41761 (August 15, 2019) (SR–NYSENAT–2019–18) (notice of filing and immediate effectiveness of proposed rule change to amend NYSE National's schedule of fees and rebates).

[127] *See* Request for Comment, *supra* note 6, at 37127 (''NYSE National may provide other data to substantiate its platform theory-based argument, including the claim[] that . . . competition for order flow on the trading side of the platform acts to constrain the pricing of market data on the other side of the platform.'').

[128] *See* Securities Exchange Act Release Nos. 74128 (January 23, 2015), 80 FR 4951 (January 29, 2015) (SR–NYSE–2015–03) (notice of filing and immediate effectiveness of proposed rule change to establish the NYSE Integrated Feed); and 76485 (November 20, 2015), 80 FR 74158 (November 27, 2015) (SR–NYSE–2015–57) (notice of filing and immediate effectiveness of proposed rule change to establish fees for the NYSE Integrated Feed).

[129] *See supra* note 89 and accompanying text.

[130] *See supra* note 127 and accompanying text.

[131] *See supra* note 107 and accompanying text.

[132] *See supra* note 127.

[133] *See supra* notes 88, 90, and accompanying text.

[134] NYSE National also does not provide information regarding ''overall profitability'' of other exchanges (*e.g.,* changes (or lack of changes) in ''overall profitability'' for another exchange in connection with a market data fee change on that exchange). *See* Request for Comment, *supra* note 6, at 37127 (requesting ''[a]ny other information to support the argument that competition between exchanges will limit the overall profitability of NYSE National and meaningfully constrain NYSE National's ability to price its proprietary market data products at supracompetitive prices''). *See also id.* (''NYSE National may provide other data to substantiate its platform theory-based argument, including the claim[] that competition among exchanges will limit the overall profitability of NYSE National's platform'').

[135] *See supra* note 115 and accompanying text.

[136] *See* Request for Comment, *supra* note 6, at 37127 (requesting information regarding profit margins, returns on assets, or other metrics that would indicate the presence of competition).

[137] *See* Notice, *supra* note 4, at 9856–58. NYSE National argues that the professional and non-professional user fee structure has long been used by NYSE National to reduce the price of data for non-professional users and to make it more broadly available, and that the non-display fee structure results in subscribers with greater uses of the data paying higher fees and subscribers with fewer uses of the data paying lower fees. *See id.* at 9856–57.

inappropriate burden on competition.[138] In addition, NYSE National makes specific additional arguments with respect to the redistribution fee,[139] the category 3 non-display fee,[140] and the non-display use declaration late fee and the multiple data feed fee.[141]

Commenters state their belief that NYSE National has not demonstrated that the proposed fees represent an equitable allocation of reasonable fees, do not permit unfair discrimination, and do not impose an unnecessary or inappropriate burden on competition.[142]

As discussed above, the Commission finds that NYSE National was subject to significant competitive forces in setting fees for the NYSE National Integrated Feed. An analysis of the proposal and of the views of commenters does not provide a substantial countervailing basis to suggest that the proposed fees are not consistent with the Act. Accordingly, the Commission finds that the proposed rule change is equitable, fair, reasonable, not unreasonably or unfairly discriminatory, and not an undue burden on competition, and is consistent with Sections 6(b)(4), 6(b)(5), and 6(b)(8) of the Act and Rule 603(a) of Regulation NMS.[143]

IV. Conclusion

For the reasons set forth above, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, Sections 6(b)(4), 6(b)(5), and 6(b)(8) of the Act, and Rule 603(a) of Regulation NMS.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[144] that the proposed rule change (SR–NYSENAT–2020–05) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[145]

J. Matthew DeLesDernier,

Assistant Secretary.

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[138] *See id.* at 9858–59.

[139] *See id.* at 9854, 9856–57 (arguing that vendors that would be charged the proposed fee would profit by re-transmitting NYSE National's market data to their customers and that the proposed fee would be charged on an equal basis to those vendors that choose to redistribute the feed).

[140] *See id.* at 9855–58 (arguing that such use of data is directly in competition with NYSE National and NYSE National should be permitted to recoup some of its lost trading revenue by charging for the data that makes such competition possible).

[141] *See id.* at 9856–58 (arguing that these fees would offset NYSE National's administrative burdens and costs associated with incorrect billing, late payments, and tracking data usage locations).

[142] *See* SIFMA Letter II, *supra* note 40, at 4; Bloomberg Letter, *supra* note 54, at 2; Healthy Markets Letter, *supra* note 50, at 8–9.

[143] *See supra* notes 84–87 and accompanying text.

[144] 15 U.S.C. 78s(b)(2).

[145] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90216; File No. SR–NYSEArca–2020–59]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 3, To Amend NYSE Arca Rule 8.201–E (Commodity-Based Trust Shares) and To Permit the Listing and Trading of Shares of the Wilshire wShares Enhanced Gold Trust Under Amended NYSE Arca Rule 8.201–E

October 16, 2020.

I. Introduction

On June 30, 2020, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to: (1) Amend NYSE Arca Rule 8.201–E to (a) permit a trust to hold (i) a specified commodity or (ii) a specified commodity and cash; (b) permit a trust that holds a specified commodity deposited with the trust to issue and redeem shares for such commodity and/or cash; and (c) state that the term ''commodity'' is defined in Section 1a(9) of the Commodity Exchange Act; and (2) list and trade shares of the Wilshire wShares Enhanced Gold Trust under NYSE Arca Rule 8.201–E, as proposed to be amended. The proposed rule change was published for comment in the **Federal Register** on July 20, 2020.[3]

On August 17, 2020, the Exchange filed Amendment No. 1 to the proposed rule change, and, on August 18, 2020, the Exchange withdrew Amendment No. 1 to the proposed rule change. On September 1, 2020, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved.[5] On September 21, 2020, the Exchange filed Amendment No. 2 to the proposed rule change.[6] On October 13, 2020, the Exchange filed Amendment No. 3 to the proposed rule change.[7] The Commission has received no comment letters on the proposal. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 3, from interested persons, and is approving the proposed rule change, as modified by Amendment No. 3, on an accelerated basis.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, as Modified by Amendment No. 3

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes (1) to amend NYSE Arca Rule 8.201–E (''Commodity-Based Trust Shares'') to permit a trust to hold (a) a specified commodity deposited with the Trust (defined below), or (b) a specified commodity and, in addition to such specified commodity, cash; (2) to list and trade shares (''Shares'') of the Wilshire wShares Enhanced Gold Trust (''Trust'') under NYSE Arca Rule 8.201–E as proposed to be amended; and (3) to amend Rule 8.201–E(c)(2) to state that

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 89310 (July 14, 2020), 85 FR 43932 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 89724, 85 FR 55535 (September 8, 2020). The Commission designated October 18, 2020, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] Amendment No. 2, which amended and replaced the proposed rule change in its entirety, is available at: *https://www.sec.gov/comments/sr-nysearca-2020-59/srnysearca202059-7801813-223658.pdf.*

[7] Amendment No. 3 amended and replaced the proposed rule change, as modified by Amendment No. 2, in its entirety. When the Exchange filed Amendment No. 3 with the Commission, it also submitted Amendment No. 3 as a comment letter to the filing, which is publicly available on the Commission's website.

the term ''commodity'' is defined in Section 1a(9) of the Commodity Exchange Act.[8]

The Trust will not be registered as an investment company under the Investment Company Act of 1940, as amended.[9] The Trust is not a commodity pool for purposes of the Commodity Exchange Act, as amended.[10]

The sponsor of the Trust is Wilshire Phoenix Funds LLC (''Sponsor''). The ''Trustee'' is Delaware Trust Company and the ''Gold Custodian'' is JPMorgan Chase Bank, N.A. The Bank of New York Mellon will be the administrator (''Administrator''), transfer agent (''Transfer Agent'') and cash custodian (''Cash Custodian'') of the Trust. Foreside Fund Services, LLC will be the Trust's marketing agent (''Marketing Agent'').

The Commission has previously approved listing on the Exchange under NYSE Arca Rules 5.2–E(j)(5) and 8.201–E of other precious metals and gold-based commodity trusts, including the GraniteShares Gold MiniBAR Trust;[11] GraniteShares Gold Trust;[12] Merk Gold Trust;[13] ETFS Gold Trust;[14] Sprott Gold Trust;[15] SPDR Gold Trust (formerly, streetTRACKS Gold Trust); iShares Silver Trust;[16] iShares COMEX Gold Trust;[17] and the Gold Trust.[18] Prior to their listing on the Exchange, the Commission approved listing of the streetTRACKS Gold Trust on the New York Stock Exchange (''NYSE'')[19] and listing of iShares COMEX Gold Trust and iShares Silver Trust on the American Stock Exchange LLC.[20] In addition, the Commission has approved trading of the streetTRACKS Gold Trust and iShares Silver Trust on the Exchange pursuant to unlisted trading privileges (''UTP'').[21]

Proposed Amendment to NYSE Arca Rule 8.201–E

Under NYSE Arca Rule 8.201–E, the Exchange may propose to list and/or trade pursuant to UTP ''Commodity-Based Trust Shares.''[22] Rule 8.201–E(c)(1) currently states that such securities are issued by a trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity, and that, when aggregated in the same specified minimum number, may be redeemed at a holder's request by such trust which will deliver to the redeeming holder the quantity of the underlying commodity.

The Exchange proposes to amend Rule 8.201–E(c)(1) to provide as follows: The term ''Commodity-Based Trust Shares'' means a security (a) that is issued by a trust (''Trust'') that holds (1) a specified commodity deposited with the Trust, or (2) a specified commodity and, in addition to such specified commodity, cash; (b) that is issued by such Trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity and/or cash; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder's request by such Trust which will deliver to the redeeming holder the quantity of the underlying commodity and/or cash.''

The Commission has previously approved listing and trading on the Exchange of Commodity-Based Trust Shares that permit issuance and redemption of shares for cash in whole or part.[23] The Exchange believes the proposed change will provide a trust issuing Commodity-Based Trust Shares and holding a specified commodity with the flexibility to issue or redeem shares partially or wholly for cash. Such alternative would allow a trust to structure the procedures for issuance and redemption of shares in manner that as determined by the issuer, may provide operational efficiencies and accommodate investors who may wish to deliver or receive cash rather than, or in addition to, the underlying commodity upon requesting the

[8] On September 10, 2020, the Trust filed pre-effective Amendment No. 2 to its registration statement on Form S–1 under the Securities Act of 1933 (15 U.S.C. 77a) (File No. 333–235913) (the ''Registration Statement''). The description of the operation of the Trust and the Shares herein is based, in part, on the Registration Statement. The Shares will not begin trading until the Securities and Exchange Commission (''Commission'') declares the Registration Statement effective.

[9] 15 U.S.C. 80a–1.

[10] 17 U.S.C. 1.

[11] Securities Exchange Act Release No. 84257 (September 21, 2018), 83 FR 48877 (September 27, 2018) (SR–NYSEArca–2018–55) (order approving listing and trading of shares of the GraniteShares Gold MiniBAR Trust Pursuant to NYSE Arca Rule 8.201–E).

[12] Securities Exchange Act Release No. 81077 (July 5, 2017) (SR–NYSEArca–2017–55) (order approving listing and trading shares of the GraniteShares Gold Trust under NYSE Arca Equities Rule 8.201).

[13] Securities Exchange Act Release No. 71378 (January 23, 2014), 79 FR 4786 (January 29, 2014) (SR–NYSEArca–2013–137).

[14] Securities Exchange Act Release No. 59895 (May 8, 2009), 74 FR 22993 (May 15, 2009) (SR–NYSEArca–2009–40).

[15] Securities Exchange Act Release No. 61496 (February 4, 2010), 75 FR 6758 (February 10, 2010) (SR–NYSEArca–2009–113).

[16] *See* Securities Exchange Act Release No. 58956 (November 14, 2008), 73 FR 71074 (November 24, 2008) (SR–NYSEArca–2008–124) (approving listing on the Exchange of the iShares Silver Trust).

[17] *See* Securities Exchange Act Release No. 56224 (August 8, 2007), 72 FR 45850 (August 15, 2007) (SR–NYSEArca–2007–76) (approving listing on the Exchange of the street TRACKS Gold Trust); Securities Exchange Act Release No. 56041 (July 11, 2007), 72 FR 39114 (July 17, 2007) (SR–NYSEArca–2007–43) (order approving listing on the Exchange of iShares COMEX Gold Trust).

[18] *See* Securities Exchange Act Release No. 81918 (October 23, 2017), 82 FR 49884 (October 27, 2017) (SR–NYSEArca–2017–98) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, to List and Trade Shares of The Gold Trust under NYSE Arca Rule 8.201–E).

[19] *See* Securities Exchange Act Release No. 50603 (October 28, 2004), 69 FR 64614 (November 5, 2004) (SR–NYSE–2004–22) (order approving listing of streetTRACKS Gold Trust on NYSE).

[20] *See* Securities Exchange Act Release Nos. 51058 (January 19, 2005), 70 FR 3749 (January 26, 2005) (SR–Amex–2004–38) (order approving listing of iShares COMEX Gold Trust on the American Stock Exchange LLC); 53521 (March 20, 2006), 71 FR 14967 (March 24, 2006) (SR–Amex–2005–72) (approving listing on the American Stock Exchange LLC of the iShares Silver Trust).

[21] *See* Securities Exchange Act Release Nos. 53520 (March 20, 2006), 71 FR 14977 (March 24, 2006) (SR–PCX–2005–117) (approving trading on the Exchange pursuant to UTP of the iShares Silver Trust); 51245 (February 23, 2005), 70 FR 10731 (March 4, 2005) (SR–PCX–2004–117) (approving trading on the Exchange of the streetTRACKS Gold Trust pursuant to UTP).

[22] Commodity-Based Trust Shares are securities issued by a trust that represents investors' discrete identifiable and undivided beneficial ownership interest in the commodities deposited into the Trust. Rule 8.201–E (c)(1) defines the term ''Commodity-Based Trust Shares'' as follows: ''The term ''Commodity-Based Trust Shares'' means a security (a) that is issued by a trust (''Trust'') that holds a specified commodity deposited with the Trust; (b) that is issued by such Trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder's request by such Trust which will deliver to the redeeming holder the quantity of the underlying commodity.''

[23] *See, e.g.,* Securities Exchange Act Release Nos. 61496 (February 4, 2010), 75 FR 6758 (February 10, 2010) (SR–NYSEArca–2009–113) (approving listing on the Exchange of Sprott Physical Gold Trust); 63043 (October 5, 2010), 75 FR 62615 (October 12, 2010) (SR–NYSEArca–2010–84) (approving listing on the Exchange of the Sprott Physical Silver Trust); 68430 (December 13, 2012), 77 FR 75239 (December 19, 2012) (SR–NYSEArca–2012–111) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, to List and Trade Units of the Sprott Physical Platinum and Palladium Trust Pursuant to NYSE Arca Equities Rule 8.201; 82448 (January 5, 2018), 83 FR 1428 (January 11, 2018) (SR–NYSEArca–2017–131) (Notice of Filing of Amendment No. 2 and Order Approving on an Accelerated Basis a Proposed Rule Change, as Modified by Amendment No. 2, to List and Trade Shares of the Sprott Physical Gold and Silver Trust under NYSE Arca Rule 8.201–E); 66930 (May 7, 2012), 77 FR 27817 (May 11, 2012) (SR–NYSEArca–2012–18) (order approving listing and trading shares of the APMEX Physical-1 oz. Gold Redeemable Trust); 50603 (October 28, 2004), 69 FR 64614 (November 5, 2004) (SR–NYSE–2004–22) (Order Granting Approval of Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendments No. 1 and No. 2 Thereto to the Proposed Rule Change by the New York Stock Exchange, Inc. Regarding Listing and Trading of streetTRACKS® Gold Shares).

issuance or redemption of shares. In addition, the proposed change will accommodate a trust's holding cash in addition to a specified commodity in order to achieve its investment objective. The Exchange, therefore, believes the proposed change will facilitate the listing and trading of additional types of exchange-traded derivative securities products that will enhance competition among market participants, to the benefit of investors and the marketplace.

The Exchange further proposes to amend Rule 8.201–E(c)(2) to state that the term ''commodity'' is defined in Section 1a(9) of the Commodity Exchange Act (rather than Section 1(a)(4) as currently referenced in Rule 8.201–E(c)(2)) to reflect an amendment to the Commodity Exchange Act included in the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010.[24]

Operation of the Trust [25]

According to the Registration Statement, the Trust will have no assets other than (a) physical gold bullion (''Physical Gold'') in proportions that seek to closely replicate the Wilshire Gold Index (the ''Index'') and (b) cash, as described below. The Trust will also hold U.S. dollars for short periods of time in connection with (i) the purchase and sale of Physical Gold, (ii) creations and redemptions of Shares (as described below), and (iii) to pay fees and expenses of the Trust.

The investment objective of the Trust is for the Shares to closely reflect the Index, which will be published by Solactive AG (the ''Index Calculation Agent''), less the Trust's liabilities and expenses.[26] The amount of Physical Gold and cash held by the Trust will be determined by the methodology of the Index. On the last business day of each month (the ''Rebalance Date''), the Index will dynamically calculate its weighting of Physical Gold based on the realized volatility of gold and the realized volatility of the S&P 500 Index according to a mathematically derived passive rule-based methodology as discussed further below. The Trust, to closely replicate the Index, will rebalance its holdings in Physical Gold in tandem with the Index on a monthly basis for consistency with the Index weights and will hold the remainder of its assets in cash.[27]

The Wilshire Gold Index

The Index, which is calculated and published by the Index Calculation Agent, will be publicly available from various information service providers, such as Reuters and Bloomberg, on or prior to the date that the Registration Statement is declared effective. The Index value using the London Bullion Market Association (''LBMA'') Gold Price PM (defined below) [28] will be calculated and published daily each business day at approximately 5:00 p.m. (Eastern time (''E.T.'')) on the Trust's website. The current Index value will be disseminated by one or more major market vendors at least every 15 seconds during the Exchange's Core Trading Session (normally 9:30 a.m. to 4:00 p.m. E.T.).

The Exchange, the Index Calculation Agent or a third party financial data provider will calculate an intraday indicative value for the Shares (''IIV'') every fifteen seconds during the Exchange's Core Trading Session, which will be available from one or more major market data vendors.[29]

According to the Registration Statement, the Index has a notional component representing Physical Gold (the ''Physical Gold Component'') and a cash weighting to the extent that less than 100% of the Index is comprised of the Physical Gold Component (the ''Cash Weighting''). In seeking to track the Cash Weighting portion of the Index, the Trust will hold cash.

On each Rebalance Date, the Index rebalances its weighting of the Physical Gold Component and the Cash Weighting according to a mathematically derived, non-discretionary, objective and passive rules-based methodology. This methodology employs a non-discretionary rules-based system that takes into account realized volatility of the LBMA Gold Price PM [30] and the realized volatility of the S&P 500 Index, utilizing a look-back period, among other parameters, each calculated by the Index Calculation Agent. At the end of each month, the Index Calculation Agent, based solely on the application of the non-discretionary rules included in the Index methodology, calculates the Index's new weighting for the Physical Gold Component based on the immediately preceding period's LBMA Gold Price PM (defined below) [31] and realized volatility of the S&P 500 Index.[32]

According to the Registration Statement, as a result of the application of the non-discretionary rules-based methodology discussed above, the new weighting for the Physical Gold Component will generally be lower than the prior month if realized volatility of Physical Gold is higher than during the previous calculation, and *vice versa.* In addition, during increased realized volatility within the S&P 500 Index, the Index may calculate a higher weighting for the overall exposure to gold. The weighting of the Physical Gold Component and the Cash Weighting will never be negative. The weighting for the Physical Gold Component will not exceed 100%.[33] The combined weights of the Physical Gold Component and the Cash Weighting will always sum to 100%, and if the weighting of the Physical Gold Component is 100%, then the weighting of the Cash Weighting will be zero.

On each Rebalance Date, the changes to the weighting of the Physical Gold Component and the Cash Weighting, as calculated by the Index Calculation Agent based solely on the application of the rules included in the Index methodology, will be effective for the Index, and the Trust will rebalance its assets in order to closely replicate the new weightings of the Index. The Index's weighting for the Physical Gold

[24] Public Law 111–203, 124 Stat. 1900 (2010).

[25] The description of the operation of the Trust, the Shares and the gold market contained herein is based, in part, on the Registration Statement. *See* note 8, *supra.*

[26] The Index Calculation Agent is not affiliated with the Sponsor and has represented that it has established and maintains processes and procedures to prevent the use and dissemination of material nonpublic information regarding the Index. The Index Calculation Agent is not registered as an investment adviser or broker-dealer and is not affiliated with any broker-dealers.

[27] With respect to the application of Rule 10A–3 (17 CFR 240.10A–3) under the Act, the Trust relies on the exemption contained in Rule 10A–3(c)(7).

[28] *See* note 37, *infra.*

[29] For purposes of this filing, the IIV is the value referenced in NYSE Arca Rule 8.201–E(e)(2)(v).

[30] *See* note 37, *infra.*

[31] According to the Registration Statement, if the Index Calculation Agent, in consultation with the Trust, determines that the LBMA PM Fix has been discontinued, the Index Calculation Agent will substitute for the LBMA Gold Price PM an industry-accepted substitute source for gold prices. If such successor gold price source is substituted in accordance with the foregoing, the Index Calculation Agent, in consultation with the Trust, will make any necessary adjustments to the successor gold prices in a manner consistent with industry practices.

[32] According to the Registration Statement, the Sponsor may use a different reference rate for equity prices (*i.e.,* other than the S&P 500 Index) if the sponsor of the S&P 500 Index discontinues publication of the S&P 500 Index and such sponsor or another entity publishes a successor or substitute index that the Trust determines, in consultation with the Index Calculation Agent, to be a broad-based equity index comparable to the S&P 500 Index (such index being referred to herein as a ''Successor Index''). Such Successor Index must be a broad-based equity index similar to the S&P 500 Index in price and volatility history, with similar characteristics and tracking principally the performance of the U.S. equities market.

[33] Based on the non-discretionary passive rules-based methodology, the calculated weighting for the Physical Gold Component on each Rebalance Date will not be less than 50%.

Component is always positive and therefore represents a long position in Physical Gold to the extent of the percentage of Physical Gold represented in the Index.

The following table illustrates the hypothetical weighting for the Physical Gold Component at a given Rebalance Date under three different scenarios reflecting different assumptions for realized volatility of the LBMA Gold Price PM and S&P 500 Index as indicated below.

	Realized volatility of LBMA gold price PM (%)	Realized volatility of S&P 500 index (%)	Weight of physical gold component for next month (%)
Scenario 1	15.0	12.0	100.0
Scenario 2	20.0	12.0	75.0
Scenario 3	20.0	15.0	90.0

Index Components

Physical Gold Component

The Physical Gold Component of the Index is a notional component representing Physical Gold. The price of Physical Gold used to determine the weighting of the Physical Gold Component of the Index according to the rules-based methodology, as well as the value of Physical Gold held by the Trust, will be based on the LBMA Gold Price PM. If such day's LBMA Gold Price PM is not available, the LBMA Gold Price AM (defined below) is used.[34] If no LBMA Gold Price (defined below) is available for the day, the Administrator will value the Trust's gold based on the most recently announced LBMA Gold Price PM or LBMA Gold Price AM.

Cash Weighting

The Cash Weighting of the Index is intended to represent cash. The Trust will hold cash in proportions represented by the Cash Weighting.

The Trust's Net Asset Value (''NAV'') and the NAV per Share

According to the Registration Statement, the Trust's NAV will be equal to the sum of the value of the ''Physical Gold Holdings'' [35] and the ''Cash Holdings,'' [36] less the expenses and liabilities of the Trust. The NAV per Share, which will be calculated by the Administrator on each business day, is equal to the Trust's NAV divided by the number of outstanding Shares.

In accordance with the Trust's valuation policy and procedures, the Administrator will generally determine the price of the Trust's Physical Gold by reference to the LBMA Gold Price PM.[37]

The Administrator will determine the value of any cash, which will be held in U.S. dollars, as of 4:00 p.m., E.T. or as soon thereafter as practicable, on each business day.

On each business day at 4:00 p.m., E.T., or as soon thereafter as practicable (the ''Evaluation Time''), the Administrator will evaluate the Physical Gold held by the Trust and calculate and publish the Trust's Physical Gold Holdings. To calculate the Trust's Physical Gold Holdings, the Administrator will:

1. Determine the LBMA Gold Price; and
2. Multiply the LBMA Gold Price by the amount of Physical Gold owned by the Trust as of the Evaluation Time on such day.

Creation and Redemption of Shares

On any business day (other than business days on which banking institutions in the United Kingdom are authorized or permitted by law to close for all or part of the day or a day on which the London gold market is closed for all or part of the day), an ''Authorized Participant'' may place an order with the Transfer Agent to create one or more ''Creation Units.'' Creation orders must be placed by 9:15 a.m., E.T.[38] Creation Units are issued on the creation order settlement date by 4:00 p.m., E.T. on the business day immediately following the creation order date at the applicable NAV per Share on the creation order date, if the required payment has been timely received. Authorized Participants are the only persons that may place orders to create and redeem Creation Units. Authorized Participants must be (1) registered broker-dealers or other securities market participants, such as banks and other financial institutions, which are not required to register as broker-dealers to engage in securities transactions, and (2) participants in the Depository Trust Company (''DTC'').

The total payment required to create each Creation Unit is an amount of cash equal to the NAV of 10,000 Shares of the Trust on the creation order date. The size of a Creation Unit is subject to change.

Redemption Procedures

The procedures by which an Authorized Participant can redeem one or more Creation Units mirror the procedures for the creation of Creation Units. On any business day (other than business days on which the LBMA Gold Price PM or other applicable benchmark price is not announced), an Authorized Participant may place an order with the Transfer Agent to redeem one or more Creation Units. Redemption orders must be placed by 9:15 a.m., E.T.

By placing a redemption order, an Authorized Participant agrees to deliver the Creation Units to be redeemed through DTC's book-entry system to the Trust not later than the redemption order settlement date by 4:00 p.m., E.T.

[34] *See* note 37, *infra.*

[35] ''Physical Gold Holdings'' is defined in the Registration Statement as the Trust's holdings of Physical Gold.

[36] ''Cash Holdings'' is defined in the Registration Statement as the value of the U.S. dollars held by the Trust.

[37] For purposes of calculating the NAV of the Trust, to ascertain the price of Physical Gold held by the Trust, the prices (the ''LBMA Gold Price'') obtained from auctions conducted by ICE Benchmark Administration (''IBA''), a benchmark administrator appointed by the LBMA, will be used, which are generally conducted in the morning (London time) (the ''LBMA Gold Price AM'') and in the afternoon (London time) (the ''LBMA Gold Price PM'').

[38] The Sponsor represents that, for the Trust to fulfill cash creation and redemption orders on a given business day to reflect the corresponding NAV on that business day, the Trust must execute buy or sell orders at price determination times of the assets used in the NAV calculation. Because the LBMA Gold Price PM fix occurs at 3:00 p.m. London time, which is normally 10:00 a.m., E.T., the cut-off time for creation and redemption orders is 9:15 a.m., E.T. to enable the Trust to buy and sell Physical Gold on that day's LBMA Gold Price PM. An Authorized Participant's arbitrage opportunities with respect to the price it must pay for a Creation Unit should not be materially impacted by the requirement that creation and redemption orders must be received by 9:15 a.m. E.T. on a business day. After the order cut-off time of 9:15 a.m., E.T., Authorized Participants can place creation or redemption orders that will occur at the next business day's NAV. Authorized Participants may also be able to arbitrage by trading gold futures on COMEX (a division of CME Group Inc.), which can be traded from 6:00 p.m. to 5:00 p.m. (E.T.), Sunday through Friday.

on the business day immediately following the redemption order date.

The redemption proceeds from the Trust consist of cash. The amount of cash included in a redemption is equal to the NAV of the number of Creation Unit(s) of the Trust requested in the Authorized Participant's redemption order on the redemption order date. The Transfer Agent will distribute the cash redemption amount by 4:00 p.m., E.T. on the redemption order settlement date through DTC to the account of the Authorized Participant as recorded on DTC's book entry system.

Availability of Information Regarding Gold

Investors may obtain gold pricing information on a 24-hour basis based on the spot price for an ounce of gold from various financial information service providers, such as Reuters and Bloomberg.

Reuters and Bloomberg, for example, provide at no charge on their websites delayed information regarding the spot price of gold and last sale prices of gold futures, as well as information about news and developments in the gold market. Reuters and Bloomberg also offer a professional service to subscribers for a fee that provides information on gold prices directly from market participants. Complete real-time data for gold futures and options prices traded on the COMEX are available by subscription from Reuters and Bloomberg. There are a variety of other public websites providing information on gold, ranging from those specializing in precious metals to sites maintained by major newspapers. In addition, the LBMA Gold Price is publicly available at no charge at *www.lbma.org.uk.*

Availability of Information

The IIV for the Shares will be disseminated by one or more major market data vendors on at least a 15-second delayed basis, as required by NYSE Arca Rule 8.201–E(e)(2)(v). The IIV will be calculated based on the amount of Physical Gold and cash held in the Trust's portfolio, which are derived from updated bids and offers indicative of the spot price of gold and market prices of cash.[39]

The website for the Trust (*www.wshares.com*) will contain the following information, on a per Share basis, for the Trust: (a) The mid-point of the bid-ask price[40] at the close of trading (''Bid/Ask Price''), and a calculation of the premium or discount of such price against such NAV; and (b) data in chart format displaying the frequency distribution of discounts and premiums of the Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. The website for the Trust will also provide the Trust's prospectus as well as the two most recent reports to shareholders. Finally, the Trust's website will provide the prior day's last sale price of the Shares as traded in the U.S. market. In addition, information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Currently, the Consolidated Tape Plan does not provide for dissemination of the spot price of a commodity such as gold over the Consolidated Tape. However, the last sale price for the Shares will be disseminated over the Consolidated Tape. In addition, there is a considerable amount of information about gold and gold markets available on public websites and through professional and subscription services.

Investors may obtain on a 24-hour basis gold pricing information based on the spot price for an ounce of gold from various financial information service providers. Current spot prices also are generally available with bid/ask spreads from gold bullion dealers. In addition, the Trust's website will provide pricing information for gold spot prices and the Shares. Market prices for the Shares will be available from a variety of sources including brokerage firms, information websites and other information service providers. The NAV of the Trust will be published on each business day and will be posted on the Trust's website. The current Index value will be disseminated by one or more major market vendors at least every 15 seconds during the Exchange's Core Trading Session. The IIV relating to the Shares will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session (normally 9:30 a.m. to 4:00 p.m., E.T.). In addition, the LBMA Gold Price is publicly available at no charge at *www.lbma.org.uk.* The Trust's website will also provide the Trust's prospectus, as well as the most recent reports to shareholders.

Criteria for Initial and Continued Listing

The Trust will be subject to the criteria in NYSE Arca Rule 8.201–E(e) for initial and continued listing of the Shares.

A minimum of 100,000 Shares will be required to be outstanding at the start of trading. The Exchange believes that the anticipated minimum number of Shares outstanding at the start of trading is sufficient to provide adequate market liquidity.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Trust subject to the Exchange's existing rules governing the trading of equity securities. Trading in the Shares on the Exchange will occur in accordance with NYSE Arca Rule 7.34–E(a). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Rule 7.6–E, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

Further, NYSE Arca Rule 8.201–E(g) sets forth certain restrictions on Equity Trading Permit (''ETP'') Holders acting as registered Market Makers in the Shares to facilitate surveillance. Under NYSE Arca Rule 8.201–E(g), an ETP Holder acting as a registered Market Maker in the Shares is required to provide the Exchange with information relating to its trading in the underlying gold, related futures or options on futures, or any other related derivatives. Commentary .04 of NYSE Arca Rule 11.3–E requires an ETP Holder acting as a registered Market Maker, and its affiliates, in the Shares to establish, maintain and enforce written policies and procedures reasonably designed to prevent the misuse of any material nonpublic information with respect to such products, any components of the related products, any physical asset or commodity underlying the product, applicable currencies, underlying indexes, related futures or options on futures, and any related derivative instruments (including the Shares).

As a general matter, the Exchange has regulatory jurisdiction over its ETP Holders and their associated persons, which include any person or entity controlling an ETP Holder. A subsidiary or affiliate of an ETP Holder that does business only in commodities or futures

[39] The IIV on a per Share basis disseminated during the Core Trading Session should not be viewed as a real-time update of the NAV, which is calculated once a day.

[40] The bid-ask price of the Shares will be determined using the highest bid and lowest offer on the Consolidated Tape as of the time of calculation of the closing day NAV.

contracts would not be subject to Exchange jurisdiction, but the Exchange could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. Trading on the Exchange in the Shares may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which conditions in the underlying gold market have caused disruptions and/or lack of trading, or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, trading in Shares will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's ''circuit breaker'' rule.[41] The Exchange will halt trading in the Shares if the NAV of the Trust is not calculated or disseminated daily. If the IIV or the official Index value is not being disseminated as required, the Exchange may halt trading during the day in which the interruption to the dissemination of the IIV or the official Index value occurs. If the interruption to the dissemination of the IIV persists past the trading day in which it occurs, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[42] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[43]

Also, pursuant to NYSE Arca Rule 8.201–E(g), the Exchange is able to obtain information regarding trading in the Shares and the underlying gold, gold futures contracts, options on gold futures, or any other gold derivative, through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades through ETP Holders which they effect on any relevant market.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (a) the description of the Index, portfolio or reference assets, (b) limitations on Index or portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in this rule filing will constitute continued listing requirements for listing the Shares of the Trust on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Trust to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Trust is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E(m).

The Trust will comply with all initial and continued listing requirements of NYSE Arca Rule 8.201–E as it is proposed to be amended.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (including noting that Shares are not individually redeemable); (2) NYSE Arca Rule 9.2–E(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) how information regarding the Index value and IIV is disseminated; (4) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (5) the possibility that trading spreads and the resulting premium or discount on the Shares may widen as a result of reduced liquidity of gold trading during the Core and Late Trading Sessions after the close of the major world gold markets; and (6) trading information. The Exchange notes that investors purchasing Shares directly from the Trust will receive a prospectus. ETP Holders purchasing Shares from the Trust for resale to investors will deliver a prospectus to such investors.

In addition, the Information Bulletin will reference that the Trust is subject to various fees and expenses as described in the Registration Statement. The Information Bulletin will also reference the fact that there is no regulated source of last sale information regarding physical gold and that the Commission has no jurisdiction over the trading of gold as a physical commodity.

The Information Bulletin will also discuss any relief, if granted, by the Commission or the staff from any rules under the Act.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[44] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove

[41] *See* NYSE Arca Rule 7.12–E.

[42] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[43] For a list of the current members of ISG, *see www.isgportal.org.*

[44] 15 U.S.C. 78f(b)(5).

impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Rule 8.201–E. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange may obtain information via the ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement.

The Commission has previously approved listing and trading on the Exchange of Commodity-Based Trust Shares that permit issuance and redemption of shares for cash in whole or part.[45] The Exchange believes the proposed amendment to Rule 8.201–E(c)(1) will provide a trust issuing Commodity-Based Trust Shares and holding a specified commodity with the flexibility to issue or redeem shares partially or wholly for cash. Such alternative would allow a trust to structure the procedures for issuance and redemption of shares in manner that as determined by the issuer, may provide operational efficiencies and accommodate investors who may wish to deliver or receive cash rather than, or in addition to, the underlying commodity upon requesting the issuance or redemption of shares. In addition, the proposed change will accommodate a trust's holding cash in addition to a specified commodity in order to achieve its investment objective. The Exchange, therefore, believes the proposed change will facilitate the listing and trading of additional types of exchange-traded derivative securities products that will enhance competition among market participants, to the benefit of investors and the marketplace.

The Exchange's proposal to amend Rule 8.201–E(c)(2) to state that the term ''commodity'' is defined in Section 1a(9) of the Commodity Exchange Act (rather than Section 1(a)(4) as currently referenced in Rule 8.201–E(c)(2)) reflects an amendment to the Commodity Exchange Act included in the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010.

[45] *See* note 23, *supra*.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that there is a considerable amount of gold price and gold market information available on public websites and through professional and subscription services. Investors may obtain on a 24-hour basis gold pricing information based on the spot price for an ounce of gold from various financial information service providers. Current spot prices also are generally available with bid/ask spreads from gold bullion dealers. In addition, the Trust's website will provide pricing information for gold spot prices and the Shares. Market prices for the Shares will be available from a variety of sources including brokerage firms, information websites and other information service providers. The NAV of the Trust will be published on each business day and will be posted on the Trust's website. The IIV relating to the Shares and the current Index value will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session. In addition, the LBMA Gold Price is publicly available at no charge at *www.lbma.org.uk.* The Trust's website will also provide the Trust's prospectus, as well as the two most recent reports to shareholders.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of exchange-traded product related, in part, to physical gold that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding gold pricing.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed rule change, including the proposed amendment to Rule 8.201–E(c)(1), will enhance competition by accommodating Exchange trading of additional exchange-traded products relating, in part, to physical gold.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Discussion and Commission's Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 3, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[46] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 3, is consistent with Section 6(b)(5) of the Act,[47] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange proposes to amend NYSE Arca Rule 8.201–E to (a) permit a trust to hold both a specified commodity and cash and (b) permit a trust that holds a specified commodity deposited with the trust to issue and redeem shares for such commodity and/or cash. The Commission believes that the proposed changes to the listing standard are consistent with the Act because holding cash will neither dilute the listing criteria nor render the commodity underlying the Commodity-Based Trust Shares more susceptible to manipulation.[48] In addition, the Commission notes that it has approved the listing and trading of Commodity-Based Trust Shares that permit issuance and redemption of shares for cash, in whole or part.[49] Therefore, the

[46] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[47] 15 U.S.C. 78f(b)(5).

[48] Pursuant to Commentary .04 of NYSE Arca Rule 8.201–E, the Exchange must file separate proposals under Section 19(b) of the Exchange Act before trading, either by listing or pursuant to unlisted trading privileges, Commodity-Based Trust Shares.

[49] *See, e.g.,* Securities Exchange Act Release Nos. 61496 (February 4, 2010), 75 FR 6758 (February 10, 2010) (SR–NYSEArca–2009–113) (approving listing on the Exchange of shares of the Sprott Physical Gold Trust); 50603 (October 28, 2004), 69 FR 64614 (November 5, 2004) (SR–NYSE–2004–22)

Continued

Commission believes that these proposed changes to NYSE Arca Rule 8.201–E may enhance competition and allow for increased flexibility without rendering a trust more susceptible to manipulation and, thus, are consistent with Section 6(b)(5) of the Act.

The Exchange also proposes to amend NYSE Arca Rule 8.201–E to correct the reference to the term ''commodity'' as it is defined in Section 1a(9) of the Commodity Exchange Act. The Commission believes that the proposed clerical correction is consistent with the Act because it updates an obsolete reference.

The Commission believes that the aspect of the proposed rule change to list and trade the Shares pursuant to NYSE Arca Rule 8.201–E, as proposed to be amended, is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately. The NAV of the Trust will be published on each business day and will be posted on the Trust's website. The IIV relating to the Shares and the current Index value will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session. The IIV will be calculated based on the amount of Physical Gold and cash held in the Trust's portfolio, which are derived from updated bids and offers indicative of the spot price of gold and market prices of cash. The Index, which is calculated and published by the Index Calculation Agent, will be publicly available from various information service providers, such as Reuters and Bloomberg, on or prior to the date that the Registration Statement is declared effective. The Index value, using the LBMA Gold Price PM, will be calculated and published daily each business day at approximately 5:00 p.m. E.T. on the Trust's website. The current Index value will be disseminated by one or more major market vendors at least every 15 seconds during the Exchange's Core Trading Session. In addition, the LBMA Gold Price is publicly available at no charge at *www.lbma.org.uk.*

Additionally, the website for the Trust will contain the following information, on a per Share basis, for the Trust: (a) The mid-point of the Bid/Ask Price and a calculation of the premium or discount of such price against such NAV and (b) data in chart format displaying the frequency distribution of discounts and premiums of the Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. The website for the Trust will also provide the Trust's prospectus as well as the two most recent reports to shareholders.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The Trust's website will provide the prior day's last sale price of the Shares as traded in the U.S. market. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. While the Consolidated Tape Plan does not provide for dissemination of the spot price of a commodity such as gold over the Consolidated Tape, the last sale price for the Shares will be disseminated over the Consolidated Tape. In addition, the Exchange represents that there is a considerable amount of information about gold and gold markets available on public websites and through professional and subscription services. According to the Exchange, investors may obtain gold pricing information on a 24-hour basis based on the spot price for an ounce of gold from various financial information service providers.[50]

The Commission also believes that the proposal is reasonably designed to prevent trading when a reasonable degree of transparency cannot be assured. With respect to trading halts, the Exchange states that it may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. Trading on the Exchange in the Shares may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which conditions in the underlying gold market have caused disruptions or lack of trading, or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, trading in Shares will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's ''circuit breaker'' rule. The Exchange represents that it will halt trading in the Shares if the NAV of the Trust is not calculated or disseminated daily. If the IIV or the official Index value is not being disseminated as required, the Exchange may halt trading during the day in which the interruption to the dissemination of the IIV or the official Index value occurs. If the interruption to the dissemination of the IIV persists past the trading day in which it occurs, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

Additionally, the Exchange states that NYSE Arca Rule 8.201–E(g) sets forth certain restrictions on ETP Holders acting as registered Market Makers in the Shares to facilitate surveillance. Under NYSE Arca Rule 8.201–E(g), an ETP Holder acting as a registered Market Maker in the Shares is required to provide the Exchange with information relating to its trading in the underlying gold, related futures or options on futures, or any other related derivatives. Commentary .04 of NYSE Arca Rule 11.3–E requires an ETP Holder acting as a registered Market Maker, and its affiliates, in the Shares to establish, maintain and enforce written policies and procedures reasonably designed to prevent the misuse of any material nonpublic information with respect to such products, any components of the related products, any physical asset or commodity underlying the product, applicable currencies, underlying indexes, related futures or options on futures, and any related derivative instruments (including the Shares).[51]

In support of this proposal, the Exchange has made the following additional representations:

(1) The Trust will be subject to the criteria in NYSE Arca Rule 8.201–E(e) for initial and continued listing of the Shares.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. Trading in the Shares on the Exchange will occur in accordance with NYSE Arca Rule 7.34–E(a).

(3) The Exchange deems the Shares to be equity securities, thus rendering

(approving the listing and trading of shares of the streetTRACKS® Gold Shares).

[50] The Exchange states that Reuters and Bloomberg, for example, provide at no charge on their websites delayed information regarding the spot price of gold and last sale prices of gold futures, as well as information about news and developments in the gold market. Reuters and Bloomberg also offer a professional service to subscribers for a fee that provides information on gold prices directly from market participants. Complete real-time data for gold futures and options prices traded on the COMEX are available by subscription from Reuters and Bloomberg. There are a variety of other public websites providing information on gold, ranging from those specializing in precious metals to sites maintained by major newspapers.

[51] The Exchange confirms that it has regulatory jurisdiction over its ETP Holders and their associated persons, which include any person or entity controlling an ETP Holder. A subsidiary or affiliate of an ETP Holder that does business only in commodities or futures contracts would not be subject to Exchange jurisdiction, but the Exchange could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member.

trading in the Trust subject to the Exchange's existing rules governing the trading of equity securities.

(4) Trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[52] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. These surveillances generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

(5) The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

(6) Pursuant to NYSE Arca Rule 8.201–E(g), the Exchange is able to obtain information regarding trading in the Shares and the underlying gold, gold futures contracts, options on gold futures, or any other gold derivative, through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades through ETP Holders which they effect on any relevant market.

(7) The Exchange has a general policy prohibiting the distribution of material, non-public information by its employees.

(8) Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (a) The procedures for purchases and redemptions of Shares in Creation Units (including noting that Shares are not individually redeemable); (b) NYSE Arca Rule 9.2–E(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) how information regarding the Index value and IIV is disseminated; (d) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (e) the possibility that trading spreads and the resulting premium or discount on the Shares may widen as a result of reduced liquidity of gold trading during the Core and Late Trading Sessions after the close of the major world gold markets; and (f) trading information. The Exchange notes that investors purchasing Shares directly from the Trust will receive a prospectus. ETP Holders purchasing Shares from the Trust for resale to investors will deliver a prospectus to such investors. In addition, the Information Bulletin will reference that the Trust is subject to various fees and expenses as described in the Registration Statement, there is no regulated source of last sale information regarding physical gold, and the Commission has no jurisdiction over the trading of gold as a physical commodity. The Information Bulletin will also discuss any relief, if granted, by the Commission or the staff from any rules under the Act.

(9) The Trust will comply with all initial and continued listing requirements of NYSE Arca Rule 8.201–E, as proposed to be amended.

(10) A minimum of 100,000 Shares will be required to be outstanding at the start of trading.

In addition, pursuant to Commentary .04 of NYSE Arca Rule 8.201–E, all statements and representations made in this filing regarding (a) the description of the Index, portfolio or reference assets, (b) limitations on Index or portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in this rule filing will constitute continued listing requirements for listing the Shares of the Trust on the Exchange. The issuer must notify the Exchange of any failure by the Trust to comply with the continued listing requirements. Pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor[53] for compliance with the continued listing requirements. If the Trust is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E(m).

Accordingly, for the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 3, is consistent with Section 6(b)(5) of the Act[54] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Solicitation of Comments on the Proposed Rule Change, as Modified by Amendment No. 3

Interested persons are invited to submit written views, data, and arguments concerning whether the proposed rule change, as modified by Amendment No. 3, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2020–59 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2020–59. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the

[52] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[53] The Commission notes that certain proposals for the listing and trading of exchange-traded products include a representation that the exchange will ''surveil'' for compliance with the continued listing requirements. *See, e.g.,* Securities Exchange Act Release No. 77499 (April 1, 2016), 81 FR 20428, 20432 (April 7, 2016) (SR–BATS–2016–04). In the context of this representation, it is the Commission's view that ''monitor'' and ''surveil'' both mean ongoing oversight of compliance with the continued listing requirements. Therefore, the Commission does not view ''monitor'' as a more or less stringent obligation than ''surveil'' with respect to the continued listing requirements.

[54] 15 U.S.C. 78f(b)(5).

proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2020–59 and should be submitted on or before November 12, 2020.

V. Accelerated Approval of the Proposed Rule Change, as Modified by Amendment No. 3

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 3, prior to the thirtieth day after the date of publication of notice of the filing of Amendment No. 3 in the **Federal Register**. Amendment 3 to the proposed rule change reduced the scope of the proposed rule change by removing references to ''cash equivalents'' as a permitted holding and as instruments used in the issuance and redemption of shares. Amendment No. 3 to the proposal also provided other clarifications and additional information related to the proposed rule change. The changes and additional clarifying information in Amendment No. 3 assist the Commission in evaluating the Exchange's proposal and in determining that it is consistent with the Act. The Commission believes that such changes and additional information do not raise unique or novel regulatory issues under the Act. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[55] to approve the proposed rule change, as modified by Amendment No. 3, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[56] that the proposed rule change (SR–NYSEArca–2020–59), as modified by Amendment No. 3, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[57]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–23362 Filed 10–21–20; 8:45 am]

BILLING CODE 8011–01–P

[55] 15 U.S.C. 78s(b)(2).

[56] *Id.*

[57] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16603 and #16604; California Disaster Number CA–00325]

Presidential Declaration Amendment of a Major Disaster for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 6.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of California (FEMA–4558–DR), dated 08/22/2020.

Incident: Wildfires.

Incident Period: 08/14/2020 through 09/26/2020.

DATES: Issued on 10/15/2020.

Physical Loan Application Deadline Date: 11/23/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 05/24/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of California, dated 08/22/2020, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans):

Lassen, Tulare.

Contiguous Counties (Economic Injury Loans Only):

California: Inyo, Kern, Modoc, Shasta, Sierra.

Nevada: Washoe.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–23344 Filed 10–21–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before November 23, 2020.

ADDRESSES: Comments should refer to the information collection by title and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030, *curtis.rich@sba.gov.*

Copies: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: ''Secondary Market for Section 504 First Mortgage Loan Pool Program''.

Abstract: These forms captures the terms and conditions of the Small Business Administration's (SBA) Secondary Market for Section 504 First Mortgage Loan Pool Program. SBA needs this information collection in order to identify program participants, terms of financial transactions involving federal government guaranties, and reporting on program efficiency, including the proper use of Recovery Act funds.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Title: Secondary Market for Section 504 First Mortgage Loan Pool Program.

OMB Control Number: 3245–0367.

Description of Respondents: Secondary Market Loan Programs.

Estimated Annual Responses: 12,490.

Estimated Annual Hour Burden: 33.075.

Curtis Rich,

Management Analyst.

[FR Doc. 2020–23433 Filed 10–21–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16685 and #16686; Florida Disaster Number FL–00158]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Florida

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Florida (FEMA–4564–DR), dated 09/23/2020.

Incident: Hurricane Sally.

Incident Period: 09/14/2020 through 09/28/2020.

DATES: Issued on 10/14/2020.

Physical Loan Application Deadline Date: 11/23/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 06/23/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Florida, dated 09/23/2020, is hereby amended to establish the incident period for this disaster as beginning 09/14/2020 and continuing through 09/28/2020.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–23341 Filed 10–21–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before November 23, 2020.

ADDRESSES: Comments should refer to the information collection by title and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030, *curtis.rich@sba.gov.*

Copies: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: The U.S. Small Business Administration's (SBA) statutory mission is to ''aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns.'' The Agency's Office of Entrepreneurial Development (OED) carries out this mission by providing training and counseling programs through its Resource Partners (such as SCORE, Small Business Development Centers (SBDCs), Women's Business Centers (WBCs) and Veterans Business Outreach Centers (VBOCs)) to existing and prospective small businesses and entrepreneurs. These programs are funded by cooperative agreements.

Solicitation of Public Comments: Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Title: Entrepreneurial Development Management Information System (EDMIS), Counseling Information Form and Management Training Report.

OMB Control Number: 3245–0324.

Description of Respondents: Entrepreneurs and potential entrepreneurs.

Estimated Annual Responses: 340,364.

Estimated Annual Hour Burden: 88,762.

Curtis Rich,

Management Analyst.

[FR Doc. 2020–23424 Filed 10–21–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16662 and #16663; California Disaster Number CA–00327]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of California (FEMA–4558–DR), dated 08/22/2020.

Incident: Wildfires.

Incident Period: 08/14/2020 through 09/26/2020.

DATES: Issued on 10/15/2020.

Physical Loan Application Deadline Date: 10/21/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 05/24/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of California, dated 08/22/2020, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Lassen, Tulare

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–23346 Filed 10–21–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16688 and #16689; Florida Disaster Number FL–00157]

Presidential Declaration Amendment of a Major Disaster for the State of Florida

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Florida (FEMA–4564–DR), dated 10/02/2020.

Incident: Hurricane Sally.

Incident Period: 09/14/2020 through 09/28/2020.

DATES: Issued on 10/14/2020.

Physical Loan Application Deadline Date: 12/01/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 07/02/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Florida, dated 10/02/2020, is hereby amended to establish the incident period for this disaster as beginning 09/14/2020 and continuing through 09/28/2020.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–23342 Filed 10–21–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16643 and #16644; Louisiana Disaster Number LA–00104]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Louisiana

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of LOUISIANA (FEMA–4559–DR), dated 09/05/2020.

Incident: Hurricane Laura.

Incident Period: 08/22/2020 through 08/27/2020.

DATES: Issued on 10/15/2020.

Physical Loan Application Deadline Date: 11/04/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 06/07/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Louisiana, dated 09/05/2020, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Parishes: Acadia, Bienville, Claiborne, Evangeline, La Salle, Lafayette, Morehouse, Natchitoches, Pointe Coupee, Sabine, Saint Landry, Saint Martin, Union, Vermilion, Webster, West Feliciana.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–23343 Filed 10–21–20; 8:45 am]

BILLING CODE 8026–03–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2020–0009]

Privacy Act of 1974; Matching Program

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a New Matching Program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a new matching program with the United States Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement (OCSE).

Under this matching program, OCSE will provide SSA the quarterly wage (QW) information from the National Directory of New Hires (NDNH) for the administration of Title II Disability Insurance (DI). The computer matching agreement governs the use, treatment, and safeguarding of the information exchanged.

SSA will use the QW information to establish or verify eligibility, continuing entitlement, or payment amounts, or all of the above, of individuals under the DI program.

DATES: The deadline to submit comments on the proposed matching program is 30 days from the date of publication of this notice in the **Federal Register**. The matching program will be applicable on December 23, 2020, or once a minimum of 30 days after publication of this notice has elapsed, whichever is later. The matching program will be in effect for a period of 18 months.

ADDRESSES: Interested parties may comment on this notice by either telefaxing to (410) 966–0869, writing to Matthew Ramsey, Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore, MD 21235–6401, or emailing *Matthew.Ramsey@ssa.gov.* All comments received will be available for public inspection by contacting Mr. Ramsey at this street address.

FOR FURTHER INFORMATION CONTACT: Interested parties may submit general questions about the matching program to Andrea Huseth, Division Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore, MD 21235–6401, at telephone: (410) 966–

5855, or send an email to *Andrea.Huseth@ssa.gov.*

Matthew Ramsey,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

PARTICIPATING AGENCIES:

SSA and OCSE.

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

The legal authority for disclosures under the computer matching agreement, hereinafter ''agreement,'' is section 453(j)(4) of the Social Security Act (Act), which provides that OCSE shall provide the Commissioner of Social Security with all information in the NDNH. 42 U.S.C. 653(j)(4).

Section 224(h)(1) of the Act provides that the head of any federal agency shall provide information within its possession as the Commissioner of Social Security may require for purposes of making a timely determination of the amount of the reduction, if any, required by section 224 in benefits payable under Title II of the Act. 42 U.S.C. 424a(h).

Disclosures under this agreement shall be made in accordance with 5 U.S.C. 552a(b)(3), which allows disclosure under a routine use that has been published in a system of records (SOR) notice as required by the Privacy Act, and also in compliance with the matching procedures in 5 U.S.C. 552a(o), (p), and (r), which describe matching agreements, verification by agencies of information, and the opportunity for individuals to contest agency findings, and the obligations on agencies to report proposals to establish or change matching programs to Congress and the Office of Management and Budget.

PURPOSE(S):

The agreement governs a matching program between OCSE and SSA. The agreement covers the QW batch match for Title II DI. The agreement also governs the use, treatment, and safeguarding of the information exchanged. OCSE is the ''source agency'' and SSA is the ''recipient agency,'' as defined by the Privacy Act. 5 U.S.C. 552a(a)(9) and (11).

SSA will use the QW information to establish or verify eligibility, continuing entitlement, or payment amounts, or all of the above, of individuals under the DI program.

CATEGORIES OF INDIVIDUALS:

The individuals whose information is involved in this matching program are beneficiaries under the Title II Disability Insurance (DI) program.

CATEGORIES OF RECORDS:

SSA will provide electronically to OCSE the following data elements in the finder file:

- Individual's Social Security number (SSN)
- Name (first, middle, and last name)

OCSE will provide electronically to SSA the following data elelments from the NDNH in the QW file:

- QW record identifier
- For employees:

(1) Name (first, middle, last)

(2) SSN

(3) Verification request code

(4) Processed date

(5) Non-verifiable indicator

(6) Wage amount

(7) Reporting period

- For employers of individuals in the QW file of the NDNH:

(1) Name (first, middle, last)

(2) Employer identification number

(3) Address(es)

- Transmitter agency code
- Transmitter state code
- State or agency name

SYSTEM(S) OF RECORDS:

SSA's SORs are the Master Beneficiary Record (MBR), 60–0090 last fully published at 71 **Federal Register** (FR) 1826 (January 11, 2006), updated at 72 FR 69723 (December 10, 2007), at 78 FR 40542 (July 5, 2013), at 83 FR 31250–51 (July 3, 2018), and at 83 FR 5499696 (November 1, 2018) and the Completed Determination Record—Continuing Disability Determinations (CDR–CDD) file, 60–0050 last fully published at 71 FR 1813 (January 11, 2006), updated at 72 FR 69723 (December 10, 2007), and at 83 FR 54969 (November 1, 2018).

OCSE will match SSA information in the MBR and CDR–CDD against the QW information maintained in the NDNH. The NDNH contains new hire, QW, and unemployment information furnished by state and federal agencies and is maintained by OCSE in its SOR ''OCSE National Directory of New Hires,'' No. 09–80–0381, published in the **Federal Register** at 80 FR 17906 (April 2, 2015). The disclosure of NDNH information by OCSE to SSA constitutes a ''routine use,'' as defined by the Privacy Act. 5 U.S.C. 552a(b)(3). Routine use (9) of the system of records authorizes the disclosure of NDNH information to SSA for this purpose. 80 FR 17906–07 (April 2, 2015).

[FR Doc. 2020–23376 Filed 10–21–20; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2020–0049]

Cost-of-Living Increase and Other Determinations for 2021

AGENCY: Social Security Administration.

ACTION: Notice.

SUMMARY: Under title II of the Social Security Act (Act), there will be a 1.3 percent cost-of-living increase in Social Security benefits effective December 2020. In addition, the national average wage index for 2019 is $54,099.99. The cost-of-living increase and national average wage index affect other program parameters as described below.

FOR FURTHER INFORMATION CONTACT: Kathleen K. Sutton, Office of the Chief Actuary, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–3000. Information relating to this announcement is available on our internet site at *www.socialsecurity.gov/oact/cola/index.html.* For information on eligibility or claiming benefits, call 1–800–772–1213 (TTY 1–800–325–0778), or visit our internet site at *www.socialsecurity.gov* online.

SUPPLEMENTARY INFORMATION: Because of the 1.3 percent cost-of-living increase, the following items will increase for 2021;

(1) The maximum Federal Supplemental Security Income (SSI) monthly payment amounts for 2021 under title XVI of the Act will be $794 for an eligible individual, $1,191 for an eligible individual with an eligible spouse, and $397 for an essential person;

(2) The special benefit amount under title VIII of the Act for certain World War II veterans will be $595.50 for 2021;

(3) The student earned income exclusion under title XVI of the Act will be $1,930 per month in 2021, but not more than $7,770 for all of 2021;

(4) The dollar fee limit for services performed as a representative payee will be $45 per month ($84 per month in the case of a beneficiary who is disabled and has an alcoholism or drug addiction condition that leaves him or her incapable of managing benefits) in 2021; and

(5) The dollar limit on the administrative-cost fee assessment charged to an appointed representative such as an attorney, agent, or other person who represent claimants will be $98 beginning in December 2020.

The national average wage index for 2019 is $54,099.99. This index affects the following amounts:

(1) The Old-Age, Survivors, and Disability Insurance (OASDI)

contribution and benefit base will be $142,800 for remuneration paid in 2021 and self-employment income earned in taxable years beginning in 2021;

(2) The monthly exempt amounts under the OASDI retirement earnings test for taxable years ending in calendar year 2021 will be $1,580 for beneficiaries who will attain their Normal Retirement Age (NRA) (defined in the *Retirement Earnings Test Exempt Amounts* section below) after 2021 and $4,210 for those who attain NRA in 2021;

(3) The dollar amounts (bend points) used in the primary insurance amount (PIA) formula for workers who become eligible for benefits, or who die before becoming eligible, in 2021 will be $996 and $6,002;

(4) The bend points used in the formula for computing maximum family benefits for workers who become eligible for retirement benefits, or who die before becoming eligible, in 2021 will be $1,272, $1,837, and $2,395;

(5) The taxable earnings a person must have to be credited with a quarter of coverage in 2021 will be $1,470;

(6) The ''old-law'' contribution and benefit base under title II of the Act will be $106,200 for 2021;

(7) The monthly amount deemed to constitute substantial gainful activity (SGA) for statutorily blind persons in 2021 will be $2,190. The corresponding amount for non-blind disabled persons will be $1,310;

(8) The earnings threshold establishing a month as a part of a trial work period will be $940 for 2021; and

(9) Coverage thresholds for 2021 will be $2,300 for domestic workers and $2,000 for election officials and election workers.

According to section 215(i)(2)(D) of the Act, we must publish the benefit increase percentage and the revised table of ''special minimum'' benefits within 45 days after the close of the third calendar quarter of 2020. We must also publish the following by November 1: the national average wage index for 2019 (215(a)(1)(D)), the OASDI fund ratio for 2020 (section 215(i)(2)(C)(ii)), the OASDI contribution and benefit base for 2021 (section 230(a)), the earnings required to be credited with a quarter of coverage in 2021 (section 213(d)(2)), the monthly exempt amounts under the Social Security retirement earnings test for 2021 (section 203(f)(8)(A)), the formula for computing a PIA for workers who first become eligible for benefits or die in 2021 (section 215(a)(1)(D)), and the formula for computing the maximum benefits payable to the family of a worker who first becomes eligible for old-age benefits or dies in 2021 (section 203(a)(2)(C)).

Cost-of-Living Increases

General

The cost-of-living increase is 1.3 percent for monthly benefits under title II and for monthly payments under title XVI of the Act. Under title II, OASDI monthly benefits will increase by 1.3 percent for individuals eligible for December 2020 benefits, payable in January 2021. We base this increase on the authority contained in section 215(i) of the Act.

Pursuant to section 1617 of the Act, Federal SSI benefit rates will also increase by 1.3 percent effective for payments made for January 2021 but paid on December 31, 2020.

Computation

Computation of the cost-of-living increase is based on an increase in a Consumer Price Index produced by the Bureau of Labor Statistics. At the time the Act was amended to provide automatic cost-of-living increases, only one Consumer Price Index existed, namely the Consumer Price Index for Urban Wage Earners and Clerical Workers. Although the Bureau of Labor Statistics has since developed other consumer price indices, we follow precedent by continuing to use the Consumer Price Index for Urban Wage Earners and Clerical Workers. We refer to this index in the following paragraphs as the CPI.

Section 215(i)(1)(B) of the Act defines a ''computation quarter'' to be a third calendar quarter in which the average CPI exceeded the average CPI in the previous computation quarter. The last cost-of-living increase, effective for those eligible to receive title II benefits for December 2019, was based on the CPI increase from the third quarter of 2018 to the third quarter of 2019. Therefore, the last computation quarter is the third quarter of 2019. The law states that a cost-of-living increase for benefits is determined based on the percentage increase, if any, in the CPI from the last computation quarter to the third quarter of the current year. Therefore, we compute the increase in the CPI from the third quarter of 2019 to the third quarter of 2020.

Section 215(i)(1) of the Act states that the CPI for a cost-of-living computation quarter is the arithmetic mean of this index for the 3 months in that quarter. In accordance with 20 CFR 404.275, we round the arithmetic mean, if necessary, to the nearest 0.001. The CPI for each month in the quarter ending September 30, 2019, the last computation quarter, is: For July 2019, 250.236; for August 2019, 250.112; and for September 2019, 250.251. The arithmetic mean for the calendar quarter ending September 30, 2019 is 250.200. The CPI for each month in the quarter ending September 30, 2020, is: For July 2020, 252.636; for August 2020, 253.597; and for September 2020, 254.004. The arithmetic mean for the calendar quarter ending September 30, 2020 is 253.412. The CPI for the calendar quarter ending September 30, 2020, exceeds that for the calendar quarter ending September 30, 2019 by 1.3 percent (rounded to the nearest 0.1). Therefore, beginning December 2020 a cost-of-living benefit increase of 1.3 percent is effective for benefits under title II of the Act.

Section 215(i) also specifies that a benefit increase under title II, effective for December of any year, will be limited to the increase in the national average wage index for the prior year if the OASDI fund ratio for that year is below 20.0 percent. The OASDI fund ratio for a year is the ratio of the combined assets of the OASDI Trust Funds at the beginning of that year to the combined expenditures of these funds during that year. For 2020, the OASDI fund ratio is assets of $2,897,405 million divided by estimated expenditures of $1,110,774 million, or 260.8 percent. Because the 260.8 percent OASDI fund ratio exceeds 20.0 percent, the benefit increase for December 2020 is not limited to the increase in the national average wage index.

Program Amounts That Change Based on the Cost-of-Living Increase

The following program amounts change based on the cost-of-living increase: (1) Title II benefits; (2) title XVI payments; (3) title VIII benefits; (4) the student earned income exclusion; (5) the fee for services performed by a representative payee; and (6) the appointed representative fee assessment.

Title II Benefit Amounts

In accordance with section 215(i) of the Act, for workers and family members for whom eligibility for benefits (that is, the worker's attainment of age 62, or disability or death before age 62) occurred before 2021, benefits will increase by 1.3 percent beginning with benefits for December 2020, which are payable in January 2021. For those first eligible after 2020, the 1.3 percent increase will not apply.

For eligibility after 1978, we determine benefits using a formula provided by the Social Security

Amendments of 1977 (Pub. L. 95–216), as described later in this notice.

For eligibility before 1979, we determine benefits by using a benefit table. The table is available on the internet at *www.socialsecurity.gov/oact/ProgData/tableForm.html* or by writing to: Social Security Administration, Office of Public Inquiries, Windsor Park Building, 6401 Security Boulevard, Baltimore, MD 21235.

Section 215(i)(2)(D) of the Act requires that, when we determine an increase in Social Security benefits, we will publish in the **Federal Register** a revision of the range of the PIAs and maximum family benefits based on the dollar amount and other provisions described in section 215(a)(1)(C)(i). We refer to these benefits as ''special minimum'' benefits. These benefits are payable to certain individuals with long periods of low earnings. To qualify for these benefits, an individual must have at least 11 years of coverage. To earn a year of coverage for purposes of the special minimum benefit, a person must earn at least a certain proportion of the old-law contribution and benefit base (described later in this notice). For years before 1991, the proportion is 25 percent; for years after 1990, it is 15 percent. In accordance with section 215(a)(1)(C)(i), the table below shows the revised range of PIAs and maximum family benefit amounts after the 1.3 percent benefit increase.

SPECIAL MINIMUM PIAS AND MAXIMUM FAMILY BENEFITS PAYABLE FOR DECEMBER 2020

Number of years of coverage	PIA	Maximum family benefit
11	$43.00	$65.60
12	88.00	133.30
13	133.10	201.00
14	177.90	268.20
15	222.50	335.40
16	267.80	403.10
17	312.80	471.10
18	357.70	538.20
19	402.70	605.80
20	447.90	672.80
21	492.90	741.00
22	537.50	808.10
23	583.30	876.80
24	628.20	943.60
25	672.80	1,010.60
26	718.60	1,079.10
27	762.90	1,146.50
28	807.90	1,213.60
29	853.00	1,281.70
30	897.90	1,348.40

Title XVI Payment Amounts

In accordance with section 1617 of the Act, the Federal benefit rates used in computing Federal SSI payments for the aged, blind, and disabled will increase by 1.3 percent effective January 2021. For 2020, we derived the monthly payment amounts for an eligible individual, an eligible individual with an eligible spouse, and for an essential person—$783, $1,175, and $392, respectively—from yearly, unrounded Federal SSI payment amounts of $9,407.82, $14,110.18, and $4,714.70. For 2021, these yearly unrounded amounts respectively increase by 1.3 percent to $9,530.12, $14,293.61, and $4,775.99. We must round each of these resulting amounts, when not a multiple of $12, to the next lower multiple of $12. Therefore, the annual amounts, effective for 2021, are $9,528, $14,292, and $4,764. Dividing the yearly amounts by 12 gives the respective monthly amounts for 2021—$794, $1,191, and $397. For an eligible individual with an eligible spouse, we equally divide the amount payable between the two spouses.

Title VIII Benefit Amount

Title VIII of the Act provides for special benefits to certain World War II veterans who reside outside the United States. Section 805 of the Act provides that ''[t]he benefit under this title payable to a qualified individual for any month shall be in an amount equal to 75 percent of the Federal benefit rate [the maximum amount for an eligible individual] under title XVI for the month, reduced by the amount of the qualified individual's benefit income for the month.'' Therefore, the monthly benefit for 2021 under this provision is 75 percent of $794, or $595.50.

Student Earned Income Exclusion

A blind or disabled child who is a student regularly attending school, college, university, or a course of vocational or technical training can have limited earnings that do not count against his or her SSI payments. The maximum amount of such income that we may exclude in 2020 is $1,900 per month, but not more than $7,670 in all of 2020. These amounts increase based on a formula set forth in regulation 20 CFR 416.1112.

To compute each of the monthly and yearly maximum amounts for 2021, we increase the unrounded amount for 2020 by the latest cost-of-living increase. If the amount so calculated is not a multiple of $10, we round it to the nearest multiple of $10. The unrounded monthly amount for 2020 is $1,903.45. We increase this amount by 1.3 percent to $1,928.19, which we then round to $1,930. Similarly, we increase the unrounded yearly amount for 2020, $7,672.75, by 1.3 percent to $7,772.50 and round this to $7,770. Therefore, the maximum amount of the income exclusion applicable to a student in 2021 is $1,930 per month but not more than $7,770 in all of 2021.

Fee for Services Performed as a Representative Payee

Sections 205(j)(4)(A)(i) and 1631(a)(2)(D)(i) of the Act permit a qualified organization to collect a monthly fee from a beneficiary for expenses incurred in providing services as the beneficiary's representative payee. In 2020, the fee is limited to the

lesser of: (1) 10 percent of the monthly benefit involved; or (2) $44 each month ($83 each month when the beneficiary is entitled to disability benefits and has an alcoholism or drug addiction condition that makes the individual incapable of managing such benefits). The dollar fee limits are subject to increase by the cost-of-living increase, with the resulting amounts rounded to the nearest whole dollar amount. Therefore, we increase the current amounts by 1.3 percent to $45 and $84 for 2021.

Appointed Representative Fee Assessment

Under sections 206(d) and 1631(d) of the Act, whenever we pay a fee to a representative such as an attorney, agent, or other person who represents claimants, we must impose on the representative an assessment to cover administrative costs. The assessment is no more than 6.3 percent of the representative's authorized fee or, if lower, a dollar amount that is subject to increase by the cost-of-living increase. We derive the dollar limit for December 2020 by increasing the unrounded limit for December 2019, $97.44, by 1.3 percent, which is $98.71. We then round $98.71 to the next lower multiple of $1. The dollar limit effective for December 2020 is, therefore, $98.

National Average Wage Index for 2019

Computation

We determined the national average wage index for calendar year 2019 based on the 2018 national average wage index of $52,145.80, published in the **Federal Register** on October 22, 2019 (84 FR 56515), and the percentage increase in average wages from 2018 to 2019, as measured by annual wage data. We tabulate the annual wage data, including contributions to deferred compensation plans, as required by section 209(k) of the Act. The average amounts of wages calculated from these data were $50,040.96 for 2018 and $51,916.27 for 2019. Note that starting with this announcement, these average amounts of wages reflect a small adjustment to include contributions to additional types of deferred compensation plans. As a result, the average amount of wages shown for 2018 is slightly different than the amount shown in last year's **Federal Register** announcement. To determine the national average wage index for 2019 at a level consistent with the national average wage indexing series for 1951 through 1977 (published December 29, 1978, at 43 FR 61016), we multiply the 2018 national average wage index of $52,145.80 by the percentage increase in average wages from 2018 to 2019 (based on SSA-tabulated wage data) as follows. We round the result to the nearest cent.

National Average Wage Index Amount

Multiplying the national average wage index for 2018 ($52,145.80) by the ratio of the average wage for 2019 ($51,916.27) to that for 2018 ($50,040.96) produces the 2019 index, $54,099.99. The national average wage index for calendar year 2019 is about 3.75 percent higher than the 2018 index.

Program Amounts That Change Based on the National Average Wage Index

Under the Act, the following amounts change with annual changes in the national average wage index: (1) The OASDI contribution and benefit base; (2) the exempt amounts under the retirement earnings test; (3) the dollar amounts, or bend points, in the PIA formula; (4) the bend points in the maximum family benefit formula; (5) the earnings required to credit a worker with a quarter of coverage; (6) the old-law contribution and benefit base (as determined under section 230 of the Act as in effect before the 1977 amendments); (7) the substantial gainful activity (SGA) amount applicable to statutorily blind individuals; and (8) the coverage threshold for election officials and election workers. Additionally, under section 3121(x) of the Internal Revenue Code, the domestic employee coverage threshold is based on changes in the national average wage index.

Two amounts also increase under regulatory requirements—the SGA amount applicable to non-blind disabled persons, and the monthly earnings threshold that establishes a month as part of a trial work period for disabled beneficiaries.

OASDI Contribution and Benefit Base

General

The OASDI contribution and benefit base is $142,800 for remuneration paid in 2021 and self-employment income earned in taxable years beginning in 2021. The OASDI contribution and benefit base serves as the maximum annual earnings on which OASDI taxes are paid. It is also the maximum annual earnings used in determining a person's OASDI benefits.

Computation

Section 230(b) of the Act provides the formula used to determine the OASDI contribution and benefit base. Under the formula, the base for 2021 is the larger of: (1) The 1994 base of $60,600 multiplied by the ratio of the national average wage index for 2019 to that for 1992; or (2) the current base ($137,700). If the resulting amount is not a multiple of $300, we round it to the nearest multiple of $300.

OASDI Contribution and Benefit Base Amount

Multiplying the 1994 OASDI contribution and benefit base ($60,600) by the ratio of the national average wage index for 2019 ($54,099.99 as determined above) to that for 1992 ($22,935.42) produces $142,943.07. We round this amount to $142,800. Because $142,800 exceeds the current base amount of $137,700, the OASDI contribution and benefit base is $142,800 for 2021.

Retirement Earnings Test Exempt Amounts

General

We withhold Social Security benefits when a beneficiary under the NRA has earnings over the applicable retirement earnings test exempt amount. The NRA is the age when retirement benefits (before rounding) are equal to the PIA. The NRA is age 66 for those born in 1943–54, and it gradually increases to age 67 for those born in 1960 or later. A higher exempt amount applies in the year in which a person attains NRA, but only for earnings in months before such attainment. A lower exempt amount applies at all other ages below NRA. Section 203(f)(8)(B) of the Act provides formulas for determining the monthly exempt amounts. The annual exempt amounts are exactly 12 times the monthly amounts.

For beneficiaries who attain NRA in the year, we withhold $1 in benefits for every $3 of earnings over the annual exempt amount for months before NRA. For all other beneficiaries under NRA, we withhold $1 in benefits for every $2 of earnings over the annual exempt amount.

Computation

Under the formula that applies to beneficiaries attaining NRA after 2021, the lower monthly exempt amount for 2021 is the larger of: (1) The 1994 monthly exempt amount multiplied by the ratio of the national average wage index for 2019 to that for 1992; or (2) the 2020 monthly exempt amount ($1,520). If the resulting amount is not a multiple of $10, we round it to the nearest multiple of $10.

Under the formula that applies to beneficiaries attaining NRA in 2021, the higher monthly exempt amount for 2021 is the larger of: (1) The 2002 monthly exempt amount multiplied by the ratio of the national average wage index for

2019 to that for 2000; or (2) the 2020 monthly exempt amount ($4,050). If the resulting amount is not a multiple of $10, we round it to the nearest multiple of $10.

Lower Exempt Amount

Multiplying the 1994 retirement earnings test monthly exempt amount of $670 by the ratio of the national average wage index for 2019 ($54,099.99) to that for 1992 ($22,935.42) produces $1,580.39. We round this to $1,580. Because $1,580 exceeds the current exempt amount of $1,520, the lower retirement earnings test monthly exempt amount is $1,580 for 2021. The lower annual exempt amount is $18,960 under the retirement earnings test.

Higher Exempt Amount

Multiplying the 2002 retirement earnings test monthly exempt amount of $2,500 by the ratio of the national average wage index for 2019 ($54,099.99) to that for 2000 ($32,154.82) produces $4,206.21. We round this to $4,210. Because $4,210 exceeds the current exempt amount of $4,050, the higher retirement earnings test monthly exempt amount is $4,210 for 2021. The higher annual exempt amount is $50,520 under the retirement earnings test.

Primary Insurance Amount Formula

General

The Social Security Amendments of 1977 provided a method for computing benefits that generally applies when a worker first becomes eligible for benefits after 1978. This method uses the worker's average indexed monthly earnings (AIME) to compute the PIA. We adjust the formula each year to reflect changes in general wage levels, as measured by the national average wage index.

We also adjust, or index, a worker's earnings to reflect the change in the general wage levels that occurred during the worker's years of employment. Such indexing ensures that a worker's future benefit level will reflect the general rise in the standard of living that will occur during his or her working lifetime. To compute the AIME, we first determine the required number of years of earnings. We then select the number of years with the highest indexed earnings, add the indexed earnings for those years, and divide the total amount by the total number of months in those years. We then round the resulting average amount down to the next lower dollar amount. The result is the AIME.

Computing the PIA

The PIA is the sum of three separate percentages of portions of the AIME. In 1979 (the first year the formula was in effect), these portions were the first $180, the amount between $180 and $1,085, and the amount over $1,085. We call the dollar amounts in the formula governing the portions of the AIME the bend points of the formula. Therefore, the bend points for 1979 were $180 and $1,085.

To obtain the bend points for 2021, we multiply each of the 1979 bend-point amounts by the ratio of the national average wage index for 2019 to that average for 1977. We then round these results to the nearest dollar. Multiplying the 1979 amounts of $180 and $1,085 by the ratio of the national average wage index for 2019 ($54,099.99) to that for 1977 ($9,779.44) produces the amounts of $995.76 and $6,002.23. We round these to $996 and $6,002. Therefore, the portions of the AIME to be used in 2021 are the first $996, the amount between $996 and $6,002, and the amount over $6,002.

Therefore, for individuals who first become eligible for old-age insurance benefits or disability insurance benefits in 2021, or who die in 2021 before becoming eligible for benefits, their PIA will be the sum of:

(a) 90 percent of the first $996 of their AIME, plus
(b) 32 percent of their AIME over $996 and through $6,002, plus
(c) 15 percent of their AIME over $6,002.

We round this amount to the next lower multiple of $0.10 if it is not already a multiple of $0.10. This formula and the rounding adjustment are stated in section 215(a) of the Act.

Maximum Benefits Payable to a Family

General

The 1977 amendments continued the policy of limiting the total monthly benefits that a worker's family may receive based on the worker's PIA. Those amendments also continued the relationship between maximum family benefits and PIAs but changed the method of computing the maximum benefits that may be paid to a worker's family. The Social Security Disability Amendments of 1980 (Pub. L. 96–265) established a formula for computing the maximum benefits payable to the family of a disabled worker. This formula applies to the family benefits of workers who first become entitled to disability insurance benefits after June 30, 1980, and who first become eligible for these benefits after 1978. For disabled workers initially entitled to disability benefits before July 1980 or whose disability began before 1979, we compute the family maximum payable the same as the old-age and survivor family maximum.

Computing the Old-Age and Survivor Family Maximum

The formula used to compute the family maximum is similar to that used to compute the PIA. It involves computing the sum of four separate percentages of portions of the worker's PIA. In 1979, these portions were the first $230, the amount between $230 and $332, the amount between $332 and $433, and the amount over $433. We refer to such dollar amounts in the formula as the bend points of the family-maximum formula.

To obtain the bend points for 2021, we multiply each of the 1979 bend-point amounts by the ratio of the national average wage index for 2019 to that average for 1977. Then we round this amount to the nearest dollar. Multiplying the amounts of $230, $332, and $433 by the ratio of the national average wage index for 2019 ($54,099.99) to that for 1977 ($9,779.44) produces the amounts of $1,272.36, $1,836.63, and $2,395.36. We round these amounts to $1,272, $1,837, and $2,395. Therefore, the portions of the PIAs to be used in 2021 are the first $1,272, the amount between $1,272 and $1,837, the amount between $1,837 and $2,395, and the amount over $2,395.

Thus, for the family of a worker who becomes age 62 or dies in 2021 before age 62, we will compute the total benefits payable to them so that it does not exceed:

(a) 150 percent of the first $1,272 of the worker's PIA, plus
(b) 272 percent of the worker's PIA over $1,272 through $1,837, plus
(c) 134 percent of the worker's PIA over $1,837 through $2,395, plus
(d) 175 percent of the worker's PIA over $2,395.

We then round this amount to the next lower multiple of $0.10 if it is not already a multiple of $0.10. This formula and the rounding adjustment are stated in section 203(a) of the Act.

Quarter of Coverage Amount

General

The earnings required for a quarter of coverage in 2021 is $1,470. A quarter of coverage is the basic unit for determining if a worker is insured under the Social Security program. For years before 1978, we generally credited an individual with a quarter of coverage for each quarter in which wages of $50 or

more were paid, or with 4 quarters of coverage for every taxable year in which $400 or more of self-employment income was earned. Beginning in 1978, employers generally report wages yearly instead of quarterly. With the change to yearly reporting, section 352(b) of the Social Security Amendments of 1977 amended section 213(d) of the Act to provide that a quarter of coverage would be credited for each $250 of an individual's total wages and self-employment income for calendar year 1978, up to a maximum of 4 quarters of coverage for the year. The amendment also provided a formula for years after 1978.

Computation

Under the prescribed formula, the quarter of coverage amount for 2021 is the larger of: (1) The 1978 amount of $250 multiplied by the ratio of the national average wage index for 2019 to that for 1976; or (2) the current amount of $1,410. Section 213(d) provides that if the resulting amount is not a multiple of $10, we round it to the nearest multiple of $10.

Quarter of Coverage Amount

Multiplying the 1978 quarter of coverage amount ($250) by the ratio of the national average wage index for 2019 ($54,099.99) to that for 1976 ($9,226.48) produces $1,465.89. We then round this amount to $1,470. Because $1,470 exceeds the current amount of $1,410, the quarter of coverage amount is $1,470 for 2021.

Old-Law Contribution and Benefit Base

General

The old-law contribution and benefit base for 2021 is $106,200. This base would have been effective under the Act without the enactment of the 1977 amendments.

The old-law contribution and benefit base is used by:

(a) The Railroad Retirement program to determine certain tax liabilities and tier II benefits payable under that program to supplement the tier I payments that correspond to basic Social Security benefits,

(b) the Pension Benefit Guaranty Corporation to determine the maximum amount of pension guaranteed under the Employee Retirement Income Security Act (section 230(d) of the Act),

(c) Social Security to determine a year of coverage in computing the special minimum benefit, as described earlier, and

(d) Social Security to determine a year of coverage (acquired whenever earnings equal or exceed 25 percent of the old-law base for this purpose only) in computing benefits for persons who are also eligible to receive pensions based on employment not covered under section 210 of the Act.

Computation

The old-law contribution and benefit base is the larger of: (1) The 1994 old-law base ($45,000) multiplied by the ratio of the national average wage index for 2019 to that for 1992; or (2) the current old-law base ($102,300). If the resulting amount is not a multiple of $300, we round it to the nearest multiple of $300.

Old-Law Contribution and Benefit Base Amount

Multiplying the 1994 old-law contribution and benefit base ($45,000) by the ratio of the national average wage index for 2019 ($54,099.99) to that for 1992 ($22,935.42) produces $106,145.85. We round this amount to $106,200. Because $106,200 exceeds the current amount of $102,300, the old-law contribution and benefit base is $106,200 for 2021.

Substantial Gainful Activity Amounts

General

A finding of disability under titles II and XVI of the Act requires that a person, except for a title XVI disabled child, be unable to engage in SGA. A person who is earning more than a certain monthly amount is ordinarily considered to be engaging in SGA. The monthly earnings considered as SGA depends on the nature of a person's disability. Section 223(d)(4)(A) of the Act specifies the SGA amount for statutorily blind individuals under title II while our regulations (20 CFR 404.1574 and 416.974) specify the SGA amount for non-blind individuals.

Computation

The monthly SGA amount for statutorily blind individuals under title II for 2021 is the larger of: (1) The amount for 1994 multiplied by the ratio of the national average wage index for 2019 to that for 1992; or (2) the amount for 2020. The monthly SGA amount for non-blind disabled individuals for 2021 is the larger of: (1) The amount for 2000 multiplied by the ratio of the national average wage index for 2019 to that for 1998; or (2) the amount for 2020. In either case, if the resulting amount is not a multiple of $10, we round it to the nearest multiple of $10.

SGA Amount for Statutorily Blind Individuals

Multiplying the 1994 monthly SGA amount for statutorily blind individuals ($930) by the ratio of the national average wage index for 2019 ($54,099.99) to that for 1992 ($22,935.42) produces $2,193.68. We then round this amount to $2,190. Because $2,190 exceeds the current amount of $2,110, the monthly SGA amount for statutorily blind individuals is $2,190 for 2021.

SGA Amount for Non-Blind Disabled Individuals

Multiplying the 2000 monthly SGA amount for non-blind individuals ($700) by the ratio of the national average wage index for 2019 ($54,099.99) to that for 1998 ($28,861.44) produces $1,312.13. We then round this amount to $1,310. Because $1,310 exceeds the current amount of $1,260, the monthly SGA amount for non-blind disabled individuals is $1,310 for 2021.

Trial Work Period Earnings Threshold

General

During a trial work period of 9 months in a rolling 60-month period, a beneficiary receiving Social Security disability benefits may test his or her ability to work and still receive monthly benefit payments. To be considered a trial work period month, earnings must be over a certain level. In 2021, any month in which earnings exceed $940 is considered a month of services for an individual's trial work period.

Computation

The method used to determine the new amount is set forth in our regulations at 20 CFR 404.1592(b). Monthly earnings in 2021, used to determine whether a month is part of a trial work period, is the larger of: (1) The amount for 2001 ($530) multiplied by the ratio of the national average wage index for 2019 to that for 1999; or (2) the amount for 2020. If the resulting amount is not a multiple of $10, we round it to the nearest multiple of $10.

Trial Work Period Earnings Threshold Amount

Multiplying the 2001 monthly earnings threshold ($530) by the ratio of the national average wage index for 2019 ($54,099.99) to that for 1999 ($30,469.84) produces $941.03. We then round this amount to $940. Because $940 exceeds the current amount of $910, the monthly earnings threshold is $940 for 2021.

Domestic Employee Coverage Threshold

General

The minimum amount a domestic worker must earn so that such earnings

are covered under Social Security or Medicare is the domestic employee coverage threshold. For 2021, this threshold is $2,300. Section 3121(x) of the Internal Revenue Code provides the formula for increasing the threshold.

Computation

Under the formula, the domestic employee coverage threshold for 2021 is equal to the 1995 amount of $1,000 multiplied by the ratio of the national average wage index for 2019 to that for 1993. If the resulting amount is not a multiple of $100, we round it to the next lower multiple of $100.

Domestic Employee Coverage Threshold Amount

Multiplying the 1995 domestic employee coverage threshold ($1,000) by the ratio of the national average wage index for 2019 ($54,099.99) to that for 1993 ($23,132.67) produces $2,338.68. We then round this amount to $2,300. Therefore, the domestic employee coverage threshold amount is $2,300 for 2021.

Election Official and Election Worker Coverage Threshold

General

The minimum amount an election official and election worker must earn so the earnings are covered under Social Security or Medicare is the election official and election worker coverage threshold. For 2021, this threshold is $2,000. Section 218(c)(8)(B) of the Act provides the formula for increasing the threshold.

Computation

Under the formula, the election official and election worker coverage threshold for 2021 is equal to the 1999 amount of $1,000 multiplied by the ratio of the national average wage index for 2019 to that for 1997. If the amount we determine is not a multiple of $100, it we round it to the nearest multiple of $100.

Election Official and Election Worker Coverage Threshold Amount

Multiplying the 1999 coverage threshold amount ($1,000) by the ratio of the national average wage index for 2019 ($54,099.99) to that for 1997 ($27,426.00) produces $1,972.58. We then round this amount to $2,000. Therefore, the election official and election worker coverage threshold amount is $2,000 for 2021.

(Catalog of Federal Domestic Assistance: Program Nos. 96.001 Social Security-Disability Insurance; 96.002 Social Security-Retirement Insurance; 96.004 Social Security-Survivors Insurance; 96.006 Supplemental Security Income)

The Commissioner of the Social Security Administration, Andrew Saul, having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary Federal Register Liaison for SSA, for purposes of publication in the **Federal Register**.

Faye I. Lipsky,

Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0999]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Protection of Voluntarily Submitted Information

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves protection of voluntarily submitted information. Part 193 of the Federal Aviation Administration (FAA) regulations provides that certain information submitted to the FAA on a voluntary basis is not to be disclosed. This part implements a statutory provision. The purpose of Part 193 is to encourage the aviation community to voluntarily share information with the FAA so that the agency may work cooperatively with industry to identify modifications to rules, policies, and procedures needed to improve safety, security, and efficiency of the National Airspace System (NAS). The information collection associated with Part 193 also supports the Department of Transportation's Strategic Goal of Safety and Security.

DATES: Written comments should be submitted by December 21, 2020.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Sandra Ray, Federal Aviation Administration, Policy Integration Branch AFS–270, 1187 Thorn Run Road, Suite 200, Coraopolis, PA 15108.

By fax: 412–239–3063.

FOR FURTHER INFORMATION CONTACT: Lee Magnuson by email at: *lee.magnuson@faa.gov;* phone: 816–329–3275.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0646.

Title: Protection of Voluntarily Submitted Information.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: Part 193 of the FAA regulations provides that certain information submitted to the FAA on a voluntary basis is not to be disclosed. Part 193 implements a statutory provision. Section 40123 was added to Title 49, United States Code, in the Federal Aviation Reauthorization Act of 1996 to encourage people to voluntarily submit desired information. Section 40123 allows the Administrator, through FAA regulations, to protect from disclosure voluntarily provided information relating to safety and security issues.

The purpose of part 193 is to encourage the aviation community to voluntarily share information with the FAA so that the agency may work cooperatively with industry to identify modifications to rules, policies, and procedures needed to improve safety, security, and efficiency of the National Airspace System. FAA programs that are covered under part 193 are Voluntary Safety Reporting Programs, Air Traffic and Technical Operations Safety Action programs, the Flight Operational Quality Assurance program, the Aviation Safety Action Program, and the Voluntary Disclosure Reporting Program. This rule imposes a negligible paperwork burden for certificate holders and fractional ownership programs that choose to submit a letter notifying the

Administrator that they wish to participate in a current program.

The number of respondents has greatly increased since the initial approval of this information collection. In order to accurately reflect the burden of this information collection going forward, the FAA has included total current participants in the programs.

Respondents: 1,336.

Frequency: Varies per response time.

Estimated Average Burden per Response: Varies per response time.

Estimated Total Annual Burden: 1,346 Hours.

Issued in Washington, DC, on October 16, 2020.

Sandra L. Ray,

Aviation Safety Inspector, FAA, Policy Integration Branch, AFS–270.

[FR Doc. 2020–23345 Filed 10–21–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions.

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On October 19, 2020, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individual

1. TALIB, Ahmed Luqman (a.k.a. TALEB, Adam Ahmad), Australia; Turkey; Qatar; Brazil; DOB 12 Feb 1990; POB Birmingham, United Kingdom; nationality Australia; Gender Male; Passport N7693460 (Australia) expires 17 Jan 2024; alt. Passport N5230514 (Australia) expires 29 Jul 2021; alt. Passport M6215165 (Australia) expires 24 Jan 2012; alt. Passport 137492291 (Venezuela) expires 17 Jul 2021 (individual) [SDGT] (Linked To: AL QA'IDA).

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism,'' 3 CFR, 2001 Comp., p. 786, as amended by Executive Order 13886 of September 9, 2019, ''Modernizing Sanctions To Combat Terrorism'', 84 FR 48041 (E.O. 13224, as amended), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AL–QA'IDA, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Entity

1. TALIB AND SONS PTY LTD, 21 Anthony Dr, 3149 Mt Waverly, Victoria, Australia; Company Number 633227488 (Australia) [SDGT] (Linked To: TALIB, Ahmed Luqman).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by AHMED LUQMAN TALIB, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Dated: October 19, 2020.

Andrea Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2020–23432 Filed 10–21–20; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490, or; Assistant Director for Licensing, tel.: 202–622–2480.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treas.gov/ofac*).

Notice of OFAC Actions

The Secretary of State has determined that the following persons meet criteria for sanctions set forth in section 1244(d)(1)(A) of the Iran Freedom and Counter-Proliferation Act of 2012 (Pub. L. 112–239) (22 U.S.C. 8801 *et seq.*) (IFCA) and has selected sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Pub. L. 104–172) (50 U.S.C. 1701 note) (ISA) to be imposed with respect to these persons. Accordingly, on October 19, 2020, the Director of OFAC, acting pursuant to delegated authority, has taken the actions described below to impose sanctions set forth in sections 5(a)(i)–5(a)(v) and 5(a)(vii) of Executive Order 13846 with respect to the persons listed below. The below descriptions also reflect the actions taken on October 19, 2020 by the Secretary of State with respect to sanctions set forth in section 4(e) of Executive Order 13846 and communicated to the Director of OFAC for publication.

Individuals

1. CHEN, Eric (a.k.a. CHEN, Guo Ping; a.k.a. CHEN, Guoping), Rm 601, No 15, Lane 1299, Dingxiang Rd, Pudong New Area, Shanghai, China; DOB 02 Aug 1968; citizen China; Gender Male; Executive Order 13846 information: LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS. Sec. 5(a)(i); alt. Executive Order 13846 information: FOREIGN EXCHANGE. Sec. 5(a)(ii); alt. Executive Order 13846 information: BANKING TRANSACTIONS. Sec. 5(a)(iii); alt. Executive Order 13846 information: BLOCKING PROPERTY AND INTERESTS IN PROPERTY. Sec. 5(a)(iv); alt. Executive Order 13846 information: BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON. Sec. 5(a)(v); alt. Executive Order 13846 information: EXCLUSION OF CORPORATE OFFICERS. Sec. 4(e); Passport ED6535652 (China); alt.

Passport G51625684 (China); National ID No. 320919196808023493 (China); Chief Executive Officer, Reach Group; Director, Reach Shipping Lines (individual) [IFCA] (Linked To: REACH HOLDING GROUP SHANGHAI CO., LTD.).

Subject to sanctions described in sections 4(e) and 5(a)(i)–5(a)(v) of Executive Order 13846 of August 6, 2018, 83 FR 38939, 3 CFR, 2019 Comp., p. 854 (E.O. 13846), as described in sections 6(a)(3) and 6(a)(6)–(10) of ISA.

2. HE, Daniel Y. (a.k.a. HE, Daniel Yi; a.k.a. HE, Yi), China; DOB 06 Jul 1965; POB Hangzhou, China; nationality China; Gender Male; Executive Order 13846 information: LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS. Sec. 5(a)(i); alt. Executive Order 13846 information: FOREIGN EXCHANGE. Sec. 5(a)(ii); alt. Executive Order 13846 information: BANKING TRANSACTIONS. Sec. 5(a)(iii); alt. Executive Order 13846 information: BLOCKING PROPERTY AND INTERESTS IN PROPERTY. Sec. 5(a)(iv); alt. Executive Order 13846 information: BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON. Sec. 5(a)(v); alt. Executive Order 13846 information: EXCLUSION OF CORPORATE OFFICERS. Sec. 4(e); Passport G47432853 (China); alt. Passport G30884221 (China); President, Reach Group (individual) [IFCA] (Linked To: REACH HOLDING GROUP SHANGHAI CO., LTD.).

Subject to sanctions described in sections 4(e) and 5(a)(i)–5(a)(v) of E.O. 13846, as described in sections 6(a)(3) and 6(a)(6)–(10) of ISA.

Entities

1. DELIGHT SHIPPING COMPANY LIMITED (a.k.a. DELIGHT SHIPPING CO LTD), Flat 302, 3/F, The Strand, 49 Bonham Strand, Sheung Wan, Hong Kong, China; Room 2604, 26th Floor, Nam Wo Hong Building, 148 Wing Lok Street, Sheung Wan, Hong Kong, China; Executive Order 13846 information: LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS. Sec. 5(a)(i); alt. Executive Order 13846 information: FOREIGN EXCHANGE. Sec. 5(a)(ii); alt. Executive Order 13846 information: BANKING TRANSACTIONS. Sec. 5(a)(iii); alt. Executive Order 13846 information: BLOCKING PROPERTY AND INTERESTS IN PROPERTY. Sec. 5(a)(iv); alt. Executive Order 13846 information: BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON. Sec. 5(a)(v); C.R. No. 2563215 (Hong Kong); Identification Number IMO 6003121 [IFCA].

Subject to sanctions described in sections 5(a)(i)–5(a)(v) of E.O. 13846, as described in sections 6(a)(3) and 6(a)(6)–(9) of ISA.

2. GRACIOUS SHIPPING COMPANY LIMITED (a.k.a. GRACIOUS SHIPPING CO LTD), Flat 302, 3/F, The Strand, 49 Bonham Strand, Sheung Wan, Hong Kong, China; Room 2604, 26th Floor, Nam Wo Hong Building, 148 Wing Lok Street, Sheung Wan, Hong Kong, China; Executive Order 13846 information: LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS. Sec. 5(a)(i); alt. Executive Order 13846 information: FOREIGN EXCHANGE. Sec. 5(a)(ii); alt. Executive Order 13846 information: BANKING TRANSACTIONS. Sec. 5(a)(iii); alt. Executive Order 13846 information: BLOCKING PROPERTY AND INTERESTS IN PROPERTY. Sec. 5(a)(iv); alt. Executive Order 13846 information: BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON. Sec. 5(a)(v); C.R. No. 2563281 (Hong Kong); Identification Number IMO 6003094 [IFCA].

Subject to sanctions described in sections 5(a)(i)–5(a)(v) of E.O. 13846, as described in sections 6(a)(3) and 6(a)(6)–(9) of ISA.

3. NOBLE SHIPPING COMPANY LIMITED (a.k.a. NOBLE SHIPPING CO LTD), Flat 302, 3/F, The Strand, 49 Bonham Strand, Sheung Wan, Hong Kong, China; Room 2604, 26th Floor, Nam Wo Hong Building, 148 Wing Lok Street, Sheung Wan, Hong Kong, China; Executive Order 13846 information: LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS. Sec. 5(a)(i); alt. Executive Order 13846 information: FOREIGN EXCHANGE. Sec. 5(a)(ii); alt. Executive Order 13846 information: BANKING TRANSACTIONS. Sec. 5(a)(iii); alt. Executive Order 13846 information: BLOCKING PROPERTY AND INTERESTS IN PROPERTY. Sec. 5(a)(iv); alt. Executive Order 13846 information: BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON. Sec. 5(a)(v); C.R. No. 2563285 (Hong Kong); Identification Number IMO 6003103 [IFCA].

Subject to sanctions described in sections 5(a)(i)–5(a)(v) of E.O. 13846, as described in sections 6(a)(3) and 6(a)(6)–(9) of ISA.

4. REACH HOLDING GROUP SHANGHAI CO., LTD. (a.k.a. REACH HOLDING GROUP; a.k.a. RENDA INVESTMENT HOLDING GROUP SHANGHAI CO LTD; a.k.a. ''REACH GROUP''), Suite F–G, 24/F., World Plaza, No. 855, South Pu Dong Road, Shanghai 200120, China; Suite F–G, 24th Floor, World Plaza, 855, Pudong Nanlu, Pudong Xinqu, Shanghai 200120, China; Part 30, Floor 4, Building 1, No. 39, Jiatai Road, Pilot Free Tra, Shanghai 200120, China; Executive Order 13846 information: BANKING TRANSACTIONS. Sec. 5(a)(iii); alt. Executive Order 13846 information: LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS. Sec. 5(a)(i); alt. Executive Order 13846 information: FOREIGN EXCHANGE. Sec. 5(a)(ii); alt. Executive Order 13846 information: BLOCKING PROPERTY AND INTERESTS IN PROPERTY. Sec. 5(a)(iv); alt. Executive Order 13846 information: BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON. Sec. 5(a)(v); alt. Executive Order 13846 information: SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS. Sec. 5(a)(vii); alt. Executive Order 13846 information: EXCLUSION OF CORPORATE OFFICERS. Sec. 4(e) [IFCA].

Subject to sanctions described in sections 4(e), 5(a)(i)–5(a)(v), and 5(a)(vii) of E.O. 13846, as described in sections 6(a)(3) and 6(a)(6)–(11) of ISA.

5. REACH SHIPPING LINES HONG KONG CO., LIMITED (a.k.a. REACH SHIPPING LINES; a.k.a. ''REACH SHIPPING''), Unit 2508A 25/F Bank of America Tower 12 Harcourt Rd, Central Hong Kong, Hong Kong, China; RM3403, Qingdao International Finance Center Hongkong MD Road, Qingdao, China; Executive Order 13846 information: LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS. Sec. 5(a)(i); alt. Executive Order 13846 information: FOREIGN EXCHANGE. Sec. 5(a)(ii); alt. Executive Order 13846 information: BANKING TRANSACTIONS. Sec. 5(a)(iii); alt. Executive Order 13846 information: BLOCKING PROPERTY AND INTERESTS IN PROPERTY. Sec. 5(a)(iv); alt. Executive Order 13846 information: BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON. Sec. 5(a)(v); C.R. No. 2720944 (Hong Kong) [IFCA].

Subject to sanctions described in sections 5(a)(i)–5(a)(v) of E.O. 13846, as described in sections 6(a)(3) and 6(a)(6)–(9) of ISA.

6. SUPREME SHIPPING COMPANY LIMITED (a.k.a. SUPREME SHIPPING CO LTD), Flat 302, 3/F, The Strand, 49 Bonham Strand, Sheung Wan, Hong Kong, China; Room 2604, 26th Floor, Nam Wo Hong Building, 148 Wing Lok Street, Sheung Wan, Hong Kong, China; Executive Order 13846 information: LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS. Sec. 5(a)(i); alt. Executive Order 13846 information: FOREIGN EXCHANGE. Sec. 5(a)(ii); alt. Executive Order 13846 information: BANKING TRANSACTIONS. Sec. 5(a)(iii); alt. Executive Order 13846 information: BLOCKING PROPERTY AND INTERESTS IN PROPERTY. Sec. 5(a)(iv); alt. Executive Order 13846 information: BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON. Sec. 5(a)(v); C.R. No. 2563315 (Hong Kong); Identification Number IMO 6003117 [IFCA].

Subject to sanctions described in sections 5(a)(i)–5(a)(v) of E.O. 13846, as described in sections 6(a)(3) and 6(a)(6)–(9) of ISA.

Dated: October 19, 2020.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

[FR Doc. 2020–23440 Filed 10–21–20; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more individuals and entities that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List). OFAC has determined that one or more applicable legal criteria were satisfied to place the individuals and entities on the SDN List. All property and interests in property subject to U.S. jurisdiction of these individuals and entities are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or Assistant Director for Regulatory Affairs, tel.: 202–622–4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On October 9, 2020, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following individuals and entity are blocked under the relevant sanctions authorities listed below.

Individuals

1. GUIDO DE ROMERO, Ana Julia, Iglesia, Nicaragua; DOB 16 Feb 1959; POB Matagalpa, Nicaragua; nationality Nicaragua; Gender Female; Passport A00000211 (Nicaragua) issued 14 Aug 2012 expires 14 Aug 2022 (individual) [NICARAGUA].

Designated pursuant to section 1(a)(iii) of Executive Order 13851 of November 27, 2018, ''Blocking Property of Certain Persons Contributing to the Situation in Nicaragua,'' 83 FR 61505, (''E.O. 13851''), for being an official of the Government of Nicaragua or having served as an official of the Government of Nicaragua at any time on or after January 10, 2007.

2. OQUIST KELLEY, Paul Herbert, Managua, Nicaragua; DOB 19 Oct 1943; POB Oak Park, Illinois, United States; nationality Nicaragua; Gender Male; Passport A00001478 (Nicaragua) issued 27 Jul 2018 expires 27 Jul 2028 (individual) [NICARAGUA].

Designated pursuant to section 1(a)(iii) of E.O. 13851 for being an official of the Government of Nicaragua or having served as an official of the Government of Nicaragua at any time on or after January 10, 2007.

Entity

1. COOPERATIVA DE AHORRO Y CREDITO CAJA RURAL NACIONAL RL (a.k.a. CARUNA RL), Calle 14 de Septiembre, Puente, el Eden 5 cuadras al Oeste, Managua, Nicaragua; Nicaragua; Costado Oeste del Registro de la Propiedad, Contiguo a la Farmacia del INSS, Colonia Centroamerica, Managua, Nicaragua; website *www.caruna.com.ni;* D–U–N–S Number 85–244–5670; Organization Established Date 13 Oct 1993; Organization Type: Other financial service activities, except insurance and pension funding activities, n.e.c.; all locations in Nicaragua [NICARAGUA] (Linked To: BANCO CORPORATIVO SA).

Designated pursuant to section 1(a)(iv) of E.O. 13851 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, Banco Corporativo SA, a person whose property and interests in property are blocked pursuant to E.O. 13851.

Dated: October 9, 2020.

Bradley Smith,

Deputy Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2020–23409 Filed 10–21–20; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8976

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 8976, Notice of Intent to Operate Under Section 501(c)(4).

DATES: Written comments should be received on or before December 21, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the form and instructions should be directed to LaNita Van Dyke, at (202) 317–6009, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Lanita.VanDyk@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Notice of Intent to Operate Under Section 501(c)(4).

OMB Number: 1545–2268.

Form Number: 8976.

Abstract: The Protecting Americans from Tax Hikes Act of 2015 (the PATH Act) section 506 to the Internal Revenue Code (Code) requires an organization described in section 501(c)(4), no later than 60 days after the organization is established, to notify the Secretary that it is operating as a section 501(c)(4) organization (the notification). Section 506(b) provides that the notification must include: (1) The name, address, and taxpayer identification number of the organization; (2) the date on which, and the State under the laws of which, the organization was organized; and (3)a statement of the purpose of the organization.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a previously approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,500.

Estimated Time per Respondent: 45 minutes.

Estimated Total Annual Burden Hours: 1,875.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 18, 2020.

Chakinna B. Clemons,

Supervisory Tax Analyst.

[FR Doc. 2020–23383 Filed 10–21–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for IRS e-File Signature Authorization for Forms 720, 2290 and 8879–EX

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 8879–EX, IRS e-file Signature Authorization for Forms 720, 2290, and 8849.

DATES: Written comments should be received on or before December 21, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the form and instructions should be directed to LaNita Van Dyke, at (202) 317–6009, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Lanita.VanDyk@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: IRS e-file Signature Authorization for Forms 720, 2290, and 8849.

OMB Number: 1545–2081.

Form Number: 8879–EX.

Abstract: The Form 8879–EX, IRS *e-file* Signature Authorization for Forms 720, 2990, and 8849, will be used in the Modernized e-File program. Form 8879–EX authorizes an a taxpayer and an electronic return originator (ERO) to use a personal identification number (PIN) to electronically sign an electronic excise tax return and, if applicable, authorize an electronic funds withdrawal.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a previously approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 15,000.

Estimated Time per Respondent: 3 hours, 7 minutes.

Estimated Total Annual Burden Hours: 46,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 18, 2020.

Chakinna B. Clemons,

Supervisory Tax Analyst.

[FR Doc. 2020–23382 Filed 10–21–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Election Out of GST Deemed Allocations

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: The Internal Revenue Service (IRS), in accordance with the Paperwork Reduction Act of 1995 (PRA 95), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps IRS assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand IRS's information collection requirements and provide the requested data in the desired format. Currently, the IRS is soliciting comments concerning the reporting burden associated with making the Election Out of GST Deemed Allocations.

DATES: Written comments should be received on or before December 21, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526m, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to LaNita Van Dyke, at (202) 317–6009, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Election Out of GST Deemed Allocations.

OMB Number: 1545–1892.

Regulation Project Number: TD 9208.

Abstract: This information is required by the IRS for taxpayers who elect to have the automatic allocation rules not apply to the current transfer and/or to future transfers to the trust or to terminate such election. This information is also required by the IRS for taxpayers who elect to treat trusts described in section 2632(c)(3)(B)(i) through (vi) as GST trusts or to terminate such election. This information will be used to identify the trusts to which the election or termination of election will apply.

Current Actions: This notice requests public comment on the burden associated with making the Election Out of GST Deemed Allocations. The IRS notes that an agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 25,000.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 12,500.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: October 18, 2020.

Chakinna B. Clemons,

Supervisory Tax Analyst.

[FR Doc. 2020–23380 Filed 10–21–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning existing Final Regulation, TD 9467-Measurement of Assets and Liabilities for Pension Funding Purposes, Pension Funding Stabilization under the Highway and Transportation Funding Act of 2014 (HAFTA), Notice 2020–61-Special rules for single-employer defined benefit pension plans under the Cares Act, and Notice 2020–60-Election of alternative minimum funding standards for community newspaper plans benefit pension plans under the Cares Act.

DATES: Written comments should be received on or before December 21, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to LaNita Van Dyke, at (202) 317–6009, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Measurement of Assets and Liabilities for Pension Funding Purposes.

OMB Number: 1545–2095.

Regulation Project Number: REG–139236–07 (TD 9467).

Abstract: In order to implement the statutory provisions under sections 430 and 436, this final regulation contains collections of information in §§ 1.430(f)–1(f), 1.430(h)(2)–1(e), 1.436–1(f), and 1.436–1(h). The information required under § 1.430(f)–1(f) is required in order for plan sponsors to make elections regarding a plan's credit balances upon occasion. The information under § 1.430(g)–1(d)(3) is required in order for a plan sponsor to include as a plan asset a contribution made to avoid a restriction under section 436. The information required under § 1.430(h)(2)–1(e) is required in order for a plan sponsor to make an election to use an alternative interest rate for purposes of determining a plan's funding obligations under § 1.430(h)(2)–1. The information required under §§ 1.436–1(f) and 1.436–1(h) is required in order for a qualified defined benefit plan's enrolled actuary to provide a timely certification of the plan's adjusted funding target attainment percentage (AFTAP) for each plan year to avoid certain benefit restrictions.

The Highway and Transportation Funding Act of 2014 (HATFA), Public Law 113–159, was enacted on August 8, 2014, and was effective retroactively for single employer defined benefit pension plans, optional for plan years beginning in 2013 and mandatory for plan years beginning in 2014.

Section 3608(b) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116–136 provides that for purposes of applying § 436 of the Code (and § 206(g) of ERISA), a sponsor of a single-employer defined benefit pension plan may elect to treat the plan's adjusted funding target attainment percentage (AFTAP) for the last plan year ending before January 1, 2020, as the AFTAP for plan years that include calendar year 2020. Notice 2020–61, in part, provides guidance on the rules relating to this election.

Section 115(a) of the Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act), Division O of the Further Consolidated Appropriations Act, 2020, Public Law 116–94, added new § 430(m) to the Code to permit the plan sponsor of a community newspaper plan under which no participant has had an increase in accrued benefit after December 31, 2017 to elect to have alternative minimum funding standards apply to the plan in lieu of the minimum funding requirements that would otherwise apply under § 430. Pursuant to § 430(m)(2), any election under § 430(m) will be made at such time and in such manner as prescribed by the Secretary, and once an election is made with respect to a plan year, it will apply to all subsequent plan years unless revoked with the consent of the Secretary. Notice 2020–60 provides guidance regarding this election.

Current Actions: There are changes to the collection.

Type of Review: Revisions to a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, not-for-profit institutions and Federal, state, local or tribal governments.

TD 9467

Estimated Number of Respondents: 80,000.

Estimated Time per Respondent: 1.5 hrs.

Estimated Total Annual Burden Hours: 120,000.

Notice: 2020–60.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 1 hr.

Estimated Total Annual Burden Hours: 1,000.

Notice 2020–61.

Estimated Number of Respondents: 20.

Estimated Time per Respondent: 4 hr.

Estimated Total Annual Burden Hours: 80.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 18, 2020.

Chakinna B. Clemons,

Supervisory Tax Analyst.

[FR Doc. 2020–23379 Filed 10–21–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Proposed Collections; Comment Requests

AGENCY: Departmental Offices; Department of the Treasury.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on an information collection that is due for extension approval by the Office of Management and Budget. The Office of International Affairs of the Department of the Treasury is soliciting comments concerning extension without change of the following three related forms: Foreign Currency Form FC–1 (OMB No. 1505–0012), Weekly Consolidated Foreign Currency Report of Major Market Participants; Form FC–2 (OMB No. 1505–0010), Monthly Consolidated Foreign Currency Report of Major Market Participants; Form FC–3 (OMB No. 1505–0014), Quarterly Consolidated Foreign Currency Report. The reports are mandatory.

DATES: Written comments should be received on or before December 21, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to Camilla Cunningham, Markets Room, Department of the Treasury, Room 1328, 1500 Pennsylvania Avenue NW, Washington, DC 20220. In view of possible delays in mail delivery, please also notify Ms. Cunningham by email (*Camilla.Cunningham@treasury.gov*), or telephone (202–880–2101).

FOR FURTHER INFORMATION CONTACT: Copies of the proposed forms and instructions are available on the Federal Reserve Bank of New York's website. They are in the section for Banking Reporting Forms and Instructions, on the web pages for the TFC–1, TFC–2 and TFC–3 forms, for example at: *https://www.newyorkfed.org/banking/reportingforms/TFC_1.html; https://www.newyorkfed.org/banking/reportingforms/TFC_2.html;* and *https://www.newyorkfed.org/banking/reportingforms/TFC_3.html.* Requests for additional information should be directed to Ms. Cunningham.

SUPPLEMENTARY INFORMATION:

Title: Weekly Consolidated Foreign Currency Report of Major Market Participants, Foreign Currency Form FC–1.

OMB Control Number: 1505–0012.

Title: Monthly Consolidated Foreign Currency Report of Major Market Participants, Foreign Currency Form FC–2.

OMB Control Number: 1505–0010.

Title: Quarterly Consolidated Foreign Currency Report, Foreign Currency Form FC–3.

OMB Control Number: 1505–0014.

Abstract: The filing of Foreign Currency Forms FC–1, FC–2, and FC–3 is pursuant to (31 U.S.C. 5315, which directs the Secretary of the Treasury to prescribe regulations (31 CFR 128, Subpart C), requiring reports on foreign currency transactions conducted by a United States person or a foreign person controlled by a United States person. The forms collect data on the foreign exchange spot, forward, futures, and options markets from all significant market participants.

Current Actions: No changes in the forms or instructions will be made.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents:

Foreign Currency Form FC–1: 29 respondents.

Foreign Currency Form FC–2: 29 respondents.

Foreign Currency Form FC–3: 47 respondents.

Estimated Average Time per Response:

Foreign Currency Form FC–1: 48 minutes (0.8 hours) per response.

Foreign Currency Form FC–2: Three hours 36 minutes (3.6 hours) per response.

Foreign Currency Form FC–3: Eight (8) hours per response.

Estimated Total Annual Burden Hours:

Foreign Currency Form FC–1: 1,207 hours, based on 52 reporting periods per year.

Foreign Currency Form FC–2: 1,253 hours, based on 12 reporting periods per year.

Foreign Currency Form FC–3: 1,504 hours, based on 4 reporting periods per year.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: (a) Whether Foreign Currency Forms FC–1, FC–2, and FC–3 are necessary for the proper performance of the functions of the Office, including whether the information will have practical uses; (b) the accuracy of the above estimates of the burdens; (c) ways to enhance the quality, usefulness and clarity of the information to be collected; (d) ways to minimize the reporting and/or record keeping burdens on respondents, including the use of information technologies to automate the collection of the data; and (e) estimates of capital or start-up costs of operation, maintenance and purchase of services to provide information.

Camilla Cunningham,

Economic Research Analyst, Markets Room, U.S. Department of the Treasury.

[FR Doc. 2020–23337 Filed 10–21–20; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

Loan Guaranty Assistance to Eligible Individuals in Acquiring Specially Adapted Housing Cost-of-Construction Index

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) announces that the

aggregate amounts of assistance available under the Specially Adapted Housing (SAH) grant program will increase by 2.44 percent for fiscal year (FY) 2021.

DATES: The increases in aggregate amounts are effective October 1, 2020.

FOR FURTHER INFORMATION CONTACT: Terry Rouch, Assistant Director for Loan Policy and Valuation, Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, 202–632–8862. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In accordance with 38 U.S.C. 2102(e); 2102A(b)(2); and 2102B(b)(2), and 38 CFR 36.4411, the Secretary of Veterans Affairs announces the fiscal year (FY) 2021 aggregate amounts of assistance available to Veterans and Service members eligible for SAH program grants.

Section 2102(e)(2) authorizes the Secretary of Veterans Affairs to increase the aggregate amounts of SAH assistance annually based on a residential home cost-of-construction index. In accordance with 38 CFR 36.4411(a), the Secretary uses the Turner Building Cost Index for this purpose.

In the most recent quarter for which the Turner Building Cost Index is available (the second quarter of 2020), the index showed an increase of 2.44% over the index value listed for the second quarter of 2019 (available at *http://www.turnerconstruction.com/cost-index* and last visited August 7, 2020). Therefore, pursuant to 38 CFR 36.4411(a), the aggregate amounts of assistance for SAH grants made pursuant to 38 U.S.C. 2101(a) and 2101(b) will increase by 2.44% for FY 2021.

Sections 2102A(b)(2) and 2102B(b)(2) require the Secretary of Veterans Affairs to apply the same percentage calculated pursuant to section 2102(e) to section 2102A and 2102B-authorized grants. As such, the maximum amount of assistance available under these grants will also increase by 2.44% for FY 2021.

The increases are effective as of October 1, 2020, in accordance with 38 U.S.C. 2102(e), 2102A(b)(2), and 2102B(b)(2).

Specially Adapted Housing: Aggregate Amounts of Assistance Available During FY 2021

This announcement states the new maximum grant amounts for the following three types of SAH grants: Section 2101(a) and temporary residence adaptation (TRA) grants; section 2101(b) grants and TRA grants; and section 2102B grants.

Section 2101(a) Grants and TRA Grants

Effective October 1, 2020, the aggregate amount of assistance available for SAH grants made pursuant to 38 U.S.C. 2101(a) will be $100,896 during FY 2021. The maximum TRA grant made to an individual who satisfies the eligibility criteria under 38 U.S.C. 2101(a) and 2102A will be $44,295 during FY 2020.

Section 2101(b) Grants and TRA Grants

Effective as of October 1, 2020, the aggregate amount of assistance available for SAH grants made pursuant to 38 U.S.C. 2101(b) will be $20,215 during FY 2021. The maximum TRA grant made to an individual who satisfies the eligibility criteria under 38 U.S.C. 2101(b) and 2102A will be $7,909 during FY 2021.

Section 2102B Grants

Effective as of October 1, 2020, the amount of assistance available for SAH grants made pursuant to 38 U.S.C. 2102B will be $100,896 during FY 2021; however, the Secretary of Veterans Affairs may waive this limitation for a Veteran if the Secretary determines a waiver is necessary for the rehabilitation program of the Veteran.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Brooks D. Tucker, Acting Chief of Staff, Department of Veterans Affairs, approved this document on October 15, 2020 for publication.

Luvenia Potts,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2020–23381 Filed 10–21–20; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Performance Review Board Members

AGENCY: Department of Veterans Affairs, Corporate Senior Executive Management Office.

ACTION: Notice.

SUMMARY: Agencies are required to publish a notice in the **Federal Register** of the appointment of Performance Review Board (PRB) members. This notice announces the appointment of individuals to serve on the PRB of the Department of Veterans Affairs.

DATES: This list is effective October 22, 2020.

ADDRESSES: Corporate Senior Executive Management Office, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Contact Carrie Johnson-Clark, Executive Director, Corporate Senior Executive Management Office (006D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–5181.

SUPPLEMENTARY INFORMATION: The membership of the Department of Veterans Affairs Performance Review Board is as follows:

Reeves, Randy (Chair)
Brahm, Victoria
Bologna, Mark
Carroll, J. David
Czarnecki, Tammy
Farrisee, Gina
Galvin, Jack
Isaacks, Scott
Jones, Luwanda
MacDonald, Edna
Matthews, Kameron
Mattison-Brown, Valerie
Mayo, Jeffrey
McDivitt, Robert
McDougal, Skye
Mitrano, Catherine
Murray, Edward J.
Ogilvie, Brianne
Oshinski, Renee
Oswalt, John
Pope, Brent
Rivera, Fernando
Simms, Christopher B.
Streitberger, William
Tallman, Gary
Thomas, Lisa
Tibbits, Paul
Verschoor, Thayer

Authority: 5 U.S.C. 4314(c)(4).

Signing Authority

The Secretary of Veterans Affairs approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on October 14, 2020, for publication.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2020–23445 Filed 10–21–20; 8:45 am]

BILLING CODE 8320–01–P

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